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D E B A T E S   O F   T H E   L E G I S L A T I V E

A S S E M B L Y   O F

U N I T E D   C A N A D A

Volume XII

Part V

1854 - 1855







DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA

1841-1867

Published under the direction of the  
Centre d'étude du Québec  
and the  
Centre de recherche en histoire économique et sociale du Québec (CHE)

General Editor

*Elizabeth Abbott Gibbs*

DEBATES OF THE LEGISLATIVE  
ASSEMBLY OF  
UNITED CANADA

Volume XII, Part V

1854 - 1855

Edited by

*Tamara Dixon*

CENTRE DE RECHERCHE EN HISTOIRE ÉCONOMIQUE ET SOCIALE DU QUÉBEC (CHE)

5255, avenue Decelles, Montréal, Québec H3T 1V6



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\*Centre de recherche en histoire économique et sociale du Québec (CHE)

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# ADDENDUM TO NEWSPAPER TABLE

The list of 22 newspapers, contained in the Introduction to Volume XII, Part I, includes mention of the Hamilton Daily Spectator, however, that paper was not in daily production from 9 November 1854 to 10 May 1855.

NEWSPAPER	DISTRICT, SECTION	LANGUAGE	POLITICAL ORIENTATION	WEEKLY DISTRIBUTION	ORIGIN OF REPORTS
HAMILTON SPECTATOR (semi-weekly)	Hamilton, U.C.	English	Conservative	Twice	Copied U.C. and L.C. newspapers





EXECUTIVE COUNCILLORS  
AND THEIR POSITIONS

FIFTH PARLIAMENT - FIRST SESSION - SECOND PART  
23 FEBRUARY 1855 - 30 MAY 1855

CARTIER, George Etienne	
Member of Executive Council:	27 Jan. 1855 to 29 July 1858
Provincial Secretary:	27 Jan. 1855 to 23 May 1856
CAUCHON, Joseph Edouard	
Member of Executive Council and Commissioner of Crown Lands:	27 Jan. 1855 to 30 April 1857
CAYLEY, William	
Member of Executive Council, Inspector General, and Member of Board of Railway Commissioners:	11 Sept. 1854 to 29 July 1858
Government Director of Grand Trunk Railway:	3 Nov. 1854 to 28 July 1857
DRUMMOND, Lewis Thomas	
Member of Executive Council, and Attorney General, L.C.:	28 Oct. 1851 to 23 May 1856
Government Director of Grand Trunk Railway:	20 Nov. 1852 to 23 May 1856
LEMIEUX, François Xavier	
Member of Executive Council, Chief Comr. of Public Works, and Member of Board of Railway Commissioners:	27 Jan. 1855 to 25 Nov. 1857
Government Director of Grand Trunk Railway:	20 Nov. 1852 to 19 Nov. 1855
MACDONALD, John Alexander	
Member of Executive Council and Attorney General, U.C.:	11 Sept. 1854 to 29 July 1858
MACNAB, Sir Allan Napier	
Member and President of the Executive Council and Minister of Agriculture:	11 Sept. 1854 to 23 May 1856
Government Director of Grand Trunk Railway:	3 Nov. 1854 to 28 July 1857
ROSS, John*	
Member of Executive Council:	22 June 1853 to 18 April 1856
Speaker of Legislative Council:	11 Sept. 1854 to 18 April 1856
Government Director of Grand Trunk Railway:	11 Nov. 1852 to 28 July 1857
Member of Legislative Council:	1 Dec. 1848 to 30 June 1867

SPENCE, Robert

Member of the Executive Council,  
Postmaster General and Member  
of Board of Railway  
Commissioners:

11 Sept. 1854 to 1 Feb. 1858

TACHE, Etienne Paschal\*

Member of Executive Council:  
Receiver General:  
Member of Legislative Council:  
Member of Board of Railway  
Commissioners:  
Government Director of Grand  
Trunk Railway:

11 March 1848 to 25 Nov. 1857

27 Nov. 1849 to 23 May 1856

23 May 1848 to 30 July 1865

30 Aug. 1851 to 23 May 1856

20 Nov. 1852 to 28 July 1857

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\* Messrs. Ross and Taché did not hold seats in the Legislative Assembly in either the Fourth or the Fifth Parliament.



ADDENDUM TO  
LIST OF MEMBERS OF THE LEGISLATIVE ASSEMBLY  
AND THEIR CONSTITUENCIES

FIFTH PARLIAMENT, 1st SESSION  
2nd Part: 23 February 1855 to 30 May 1855

Christie, David<sup>1</sup>.....Brant East, U.C.  
Price, David Edward<sup>2</sup>.....Chicoutimi and Tadoussac, L.C.

- 
1. D. Christie was declared elected on 12 March 1855, to represent Brant East in place of D. McKerlie, whose election was declared invalid.
  2. D.E. Price was elected on 26 April 1855, in the room of Hon. A.N. Morin, who was appointed Judge of Superior Court on 27 January 1855.



FRIDAY, 23 FEBRUARY 1855.<sup>1</sup>

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MR. Speaker acquainted the House, That the Clerk of this House had received from the Clerk of the Crown in Chancery the following Certificates:--

Province of Canada.

This is to certify, that in virtue of a Writ of Election, dated the first day of December last past, issued by His Excellency the Governor General, and addressed to the Registrar of the County of Two Mountains, Daniel de Hertel, Esquire, Returning Officer ex-officio for the County of Argenteuil, for the election of a Member to represent the said County of Argenteuil in the Legislative Assembly of this Province, in the present Parliament, in the room of Sydney Bellingham, Esquire, whose election, as the Representative of the said County of Argenteuil, had been declared void, Sydney Bellingham, Esquire, has been returned as duly elected accordingly, as appears by the Return to the said Writ of Election, dated the fifth day of January instant, which is now lodged of record in my Office.

Office of the Clerk of the Crown in Chancery,

Quebec, 15th January, 1855.

Félix Fortier,

Clerk of the Crown in Chancery.

Wm. Burns Lindsay, Esquire,

Clerk, Legislative Assembly, Quebec.

Province of Canada.

This is to certify, that in virtue of a Writ of Election, dated the twentieth day of November last past, issued by His Excellency the Governor General, and addressed to the Registrar of the first division of the County of Saguenay, Charles Duberger, Esquire, Returning Officer ex-officio for the County of Saguenay, for the election of a Member to represent the said County of Saguenay in the Legislative Assembly of this Province, in this present Parliament, in the room of Pierre Gabriel Huot, Esquire, whose election, as the Representative of the said County of Saguenay, had been declared void, Pierre Gabriel Huot, Esquire, has been returned as duly elected accordingly, as appears by the Return to the said Writ of Election, dated the eighteenth day of January last past, which is now lodged of record in my Office.

Office of the Clerk of the Crown in Chancery,

Quebec, 5th February, 1855.

Félix Fortier,

Clerk of the Crown in Chancery.

To Wm. Burns Lindsay, Esquire,

Clerk, Legislative Assembly, Quebec.

Province of Canada.

This is to certify, that in virtue of a Writ of Election, dated the twenty-eighth day of December last past, issued by His Excellency the Governor General, and addressed to the Registrar of the County of Kamouraska, Jean G. Taché, Esquire, Returning Officer ex-officio for the County of Kamouraska, for the election of a Member to represent the said County of Kamouraska in the Legislative Assembly of this Province, in the present Parliament, in the room of Jean Charles Chapais, Esquire, whose election, as the Representative of the said County of Kamouraska had been declared void, Jean Charles Chapais, Esquire, has



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been returned as duly elected accordingly, as appears by the Return to the said Writ of Election, dated the thirtieth day of January last past, which is now lodged of record in my Office.

Office of the Clerk of the Crown in Chancery,  
Quebec, 13th February, 1855.

Félix Fortier,  
Clerk of the Crown in Chancery.

To Wm. Burns Lindsay, Esquire,  
Clerk, Legislative Assembly, Quebec.

Pierre Gabriel Huot, Esquire, Member for the County of Saguenay, and Jean Charles Chapais, Esquire, Member for the County of Kamouraska, having previously taken the Oath according to Law, and subscribed before the Commissioners the Roll containing the same, took their seats in the House.

Mr. Speaker acquainted the House, that during the adjournment he had received the following Notifications of the acceptance of Office, by the Honorable Members representing the Counties of Montmorenci, Lévis, and Verchères, and that he had issued his Warrants to the Clerk of the Crown in Chancery to make out new Writs for the election of Members to represent the said Counties:--

Province of Canada.

To the Honorable Louis Victor Sicotte, Speaker of the Honorable the Legislative Assembly of the Province of Canada.

We, the undersigned, Napoléon Casault, duly elected Member of the Legislative Assembly of the Province of Canada to represent therein the County of Montmagny, and Joseph Charles Taché, duly elected Member of the said Legislative Assembly to represent therein the County of Rimouski, do hereby make known and declare unto you the said Louis Victor Sicotte, that Joseph Cauchon, Esquire, who, by the report of the Returning Officer for the County of Montmorency, was returned to you as duly elected to represent the said County of Montmorency in the Legislative Assembly of this Province, hath, since being so returned, accepted the Office of Commissioner of Crown Lands.

And we do hereby require you, the said Louis Victor Sicotte, in your capacity aforesaid, to issue a Writ for the election of a new Member to represent the said County of Montmorency, in the room and stead of the said Joseph Cauchon, in the manner and form prescribed by the Statutes in such case made and provided.

Witness our hands and seals, at the City of Quebec, in the Province of Canada, this twenty-seventh day of January, in the year of our Lord one thousand eight hundred and fifty-five.

N. Casault, (L.S.)  
J. C. Taché, M. P. P. (L.S.)

Province of Canada.

To the Honorable Louis Victor Sicotte, Speaker of the Honorable the Legislative Assembly of the Province of Canada.

We, the undersigned, Napoléon Casault, duly elected Member of the Legislative Assembly of the Province of Canada to represent therein the County of Montmagny, and Joseph Charles Taché, duly elected Member of the said Legislative Assembly to represent therein the County of Rimouski, do hereby make known and declare unto you the said Louis Victor Sicotte, that François Lemieux, Esquire, who, by the report of the Returning Officer for the County of Lévis, was returned to you as duly elected to represent the said County of Lévis in the

Legislative Assembly of this Province, hath, since being so returned, accepted the Office of Chief Commissioner of Public Works for the Province of Canada.

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And we do hereby require you, the said Louis Victor Sicotte, in your capacity aforesaid, to issue a Writ for the election of a new Member to represent the said County of Lévis, in the room and stead of the said François Lemieux, in the manner and form prescribed by the Statutes in such case made and provided.

Witness our hands and seals, at the City of Quebec, in the said Province of Canada, this twenty-seventh day of January, in the year of our Lord one thousand eight hundred and fifty-five.

N. Casault, (L.S.)

J.C. Taché, M.P.P. (L.S.)

Province of Canada.

To the Honorable Louis Victor Sicotte, Speaker of the Honorable the Legislative Assembly of the Province of Canada.

We, the undersigned, Napoléon Casault, duly elected Member of the Legislative Assembly of the Province of Canada, to represent therein the County of Montmagny, and Joseph Charles Taché, duly elected Member of the said Legislative Assembly to represent therein the County of Rimouski, do hereby make known and declare unto you the said Louis Victor Sicotte, that George Etienne Cartier, Esquire, who, by the report of the Returning Officer for the County of Verchères, was returned to you as duly elected to represent the said County of Verchères in the Legislative Assembly of this Province, hath, since being so returned, accepted the Office of Secretary of the Province.

And we do hereby require you, the said Louis Victor Sicotte, in your capacity aforesaid, to issue a Writ for the election of a new Member to represent the said County of Verchères, in the room and stead of the said George Etienne Cartier, in the manner and form prescribed by the Statutes in such case made and provided.

Witness our hands and seals, at the City of Quebec, in the said Province of Canada, this twenty-seventh day of January, in the year of our Lord one thousand eight hundred and fifty-five.

N. Casault, (L.S.)

J.C. Taché, M.P.P. (L.S.)

Mr. Speaker then acquainted the House, That the Clerk of this House had received from the Clerk of the Crown in Chancery the following Certificates:--

Province of Canada.

This is to certify, that in virtue of a Writ of Election, dated the thirtieth day of January last past, issued by His Excellency the Governor General, and addressed to the Registrar of the second division of Montmorency, Pierre Gosselin, Esquire, Returning Officer *ex-officio* for the County of Montmorency, for the election of a Member to represent the said County of Montmorency in the Legislative Assembly of this Province, in the present Parliament, in the room of Joseph Cauchon, Esquire, who, since his election as the Representative of the said County of Montmorency, had accepted an Office of profit under the Crown, to wit: the Office of Commissioner of Crown Lands for this Province, by means whereof the seat of the said Joseph Cauchon, Esquire, as the Representative of the said County of Montmorency, had become vacant, the Honorable Joseph Cauchon has been returned as duly elected accordingly, as appears by the Return to the

said Writ of Election, dated the twelfth day of February instant, which is now lodged of record in my Office.

Office of the Clerk of the Crown in Chancery,  
Quebec, 13th February, 1855.

Félix Fortier,  
Clerk of the Crown in Chancery.

To Wm. Burns Lindsay, Esquire,  
Clerk, Legislative Assembly, Quebec.

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Province of Canada.

This is to certify, that in virtue of a Writ of Election, dated the thirty-first day of January last past, issued by His Excellency the Governor General, and addressed to the Registrar of the second division of the County of Dorchester, François Marcel Guay, Esquire, Returning Officer *ex-officio* for the County of Lévis, for the election of a Member to represent the said County of Lévis in the Legislative Assembly of this Province, in the present Parliament, in the room of François Lemieux, Esquire, who, since his election as the Representative of the said County of Lévis, had accepted an Office of profit under the Crown, to wit: the Office of Chief Commissioner of Public Works for this Province, by means whereof the seat of the said François Lemieux, Esquire, as the Representative of the said County of Lévis, had become vacant, the Honorable François Lemieux has been returned as duly elected accordingly, as appears by the Return to the said Writ of Election, dated the tenth day of February instant, which is now lodged of record in my Office.

Office of the Clerk of the Crown in Chancery,  
Quebec, 16th February, 1855.

Félix Fortier,  
Clerk of the Crown in Chancery.

To Wm. Burns Lindsay, Esquire,  
Clerk, Legislative Assembly, Quebec.

Mr. Speaker acquainted the House, That he had received from the Commissioner appointed for the examination of witnesses on the trial of the Petition complaining of an undue Election and Return for the East Riding of the County of Brant, a copy of the Minutes of his proceedings under the said Commission.

Mr. Speaker further acquainted the House, That he had on the twelfth day of January last, issued his Warrant for the re-assembling of the Select Committee on the East Riding of the County of Brant Election Petition, on Thursday, the first day of March next, provided Parliament shall be then sitting, and in case Parliament shall not be then sitting, then on the third Monday next after the commencement of the next Session of Parliament, to take the proceedings of the said Commissioner into consideration.

Mr. Speaker also acquainted the House, That he had received from the Commissioner appointed for the examination of witnesses on the trial of the Petition complaining of an undue Election and Return for the County of Lotbinière, a copy of the Minutes of his proceedings under the said Commission.

Mr. Speaker further acquainted the House, That he had on the twelfth day of January last, issued his Warrant for the re-assembling of the Select Committee on the Lotbinière Election Petition, on Thursday, the first day of March next, provided Parliament shall be then sitting, and in case Parliament shall not be then sitting, then on the third Monday next after the commencement of the next Session of Parliament, to take the proceedings of the said Commissioner into consideration.



MR. PRES. EX. COUN. MACNAB then addressed the House on the subject of the Ministerial changes, in the following words:

A short time previous to the decease of the late lamented Judge Panet, Mr. Morin had intimated to his colleagues that it would be impossible for him to continue much longer in the Government, in consequence of the state of his health; and under no circumstances would he remain longer than the present session. Immediately after the death of the learned Judge Panet, the vacant seat on the Bench was offered to the Hon. Mr. Black, who declined it; and as a reconstruction of the Ministry would, under any circumstances, become necessary at the close of the session, it was thought due to Mr. Morin to offer him the judgeship, which he accepted. His retirement, in the opinion of the Receiver General and other members of the Government from Lower Canada, involved the dissolution of that section of the Administration, and the ... members thereof placed their resignations in my hands, with authority to make such use of them as I might think proper, in the reconstruction of the Lower Canadian portion of the Cabinet. I, therefore, felt it my duty to consult Col. Taché, the senior member of the Lower Canadian section of the Ministry, and found that gentleman willing to continue in office. By his advice Mr. Attorney General Drummond was requested to retain his office, and I communicated with Messrs. Cauchon, Lemieux and Cartier, whose names I accordingly was afterwards enabled to submit to His Excellency the Governor General, for the offices now respectively held by them.<sup>2</sup>

MR. HOLTON asked if the House were to have any explanation of the principle on which those changes had been made?<sup>3</sup>

MR. PRES. EX. COUN. MACNAB said he was not aware that there was any principle in the matter.--The whole thing arose from the appointment of Mr. Morin to a judgeship.<sup>4</sup>

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*The following Petitions were severally brought up, and laid on the table:--*

*By Mr. O'Farrell,--The Petition of James Kinnear, of the Township of Leeds, County of Megantic, Miller and Farmer.*

*By Mr. Rhodes,--The Petition of the Reverend T. Trudelle and others, of the Village of Somerset.*

*By Mr. Bureau,--The Petition of H. Lanctot and others, of the Parish of St. Edouard, County of Iberville.*

*By Mr. Valois,--The Petition of R.G. Greig and others, proprietors of Farms on the Lower Lachine Road.*

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*By Mr. J.B. Daoust,--The Petition of Michael P. Phelan and others, of St. Colombar, District of Montreal.*

*On motion of the Honorable Mr. Lemieux, seconded by the Honorable Mr. Cauchon,*

*Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Chancery, to make out a new Writ for the election of a Member to serve in the present Provincial Parliament for the united Counties of Chicoutimi and Tadoussac, in the room of the Honorable Augustin Norbert Morin who has accepted the Office of Puisne Judge for the Superior Court of Lower Canada.*

*Then, on motion of the Honorable Sir Allan N. MacNab, seconded by Mr. Solicitor General Smith,*

*The House adjourned until Monday next.*



APPENDIX: 23 FEBRUARY 1855.

[NOTICE OF MOTION RE: BILL FOR ST. FRANCIS DISTRICT COURTS.]

MR. FELTON [gave notice that] on Tuesday next [he would move for a] Bill, entitled "An Act to increase the number of sittings of the Courts of Justice within the District of St. Francis, and to make a more convenient arrangement thereof."<sup>5</sup>

[NOTICE OF MOTION RE: BILL PROVIDING FOR THE ADMINISTRATION OF THE PROPERTY OF MINORS, ETC.]

MR. BUREAU [gave notice that] on Monday next [he would move for a] Bill to make better provision for the administration of the property of minors, absentees, persons interdicted, and others who are incapable of administering their own property in that part of the Province formerly constituting the Province of Lower Canada.<sup>6</sup>

[NOTICE OF MOTION RE: BILL FOR PUBLICATION OF HYPOTHECS AND REAL RIGHTS.]

MR. CASAULT [gave notice that he would move for a] Bill to provide for the publication of hypothecs and real rights in Lower Canada.<sup>7</sup>

[NOTICE OF MOTION RE: BILL TO PROTECT COPY-RIGHTS.]

MR. CASAULT [gave notice that he would move for a] Bill for the more effectual protection of copy rights in this Province.<sup>8</sup>

[NOTICE OF MOTION RE: ADDRESS FOR CONTRACT OF MCKEAN, MCLARTY AND COMPANY.]

MR. FERRES [gave notice that] on Thursday next [he would move for an] Address to His Excellency the Governor General, praying that His Excellency will be pleased to direct copies of all correspondence between the Government and Messrs. McLean and McLarty, or their agents, relative to their contract for Steam Service to England, and such other documents as may be necessary to shew to this House the present position of the matter.<sup>9</sup> [He] called the attention of the House to the fact, that on the 3rd October last the House had ordered a return of particulars relative to the contract of Messrs. McLean and McLarty. Now, though that was a long time ago, no return had yet been made. The excuse last Fall was, that information was required from England, but he understood that one of the parties of the firm had been in Canada for some weeks, and could surely give all the information that was required. He mentioned this because he understood that one of the firm was applying to Government for the payment in full which should have accrued to the firm if the terms of the contract had been fully complied with.<sup>10</sup>

MR. COM. PUB. WORKS LEMIEUX said that the information would very shortly be laid before the House.<sup>11</sup>

[NOTICE OF MOTION RE: ADDRESS FOR EXPENDITURES ON CERTAIN ST. LAWRENCE RIVER WORKS.]

MR. HOLTON [gave notice that] on Monday next [he would move for an] Address to His Excellency the Governor General, praying that he will cause to be laid before this House a detailed statement of all moneys expended during the years

1853 and 1854, in the construction of Light Houses and Piers below Quebec, copies of all Orders in Council authorizing such expenditure; of all tenders for the execution of these works, and of all Contracts entered into therefor; and of the reports and estimates of Engineers on which such contracts were founded, and of all correspondence between the Department of Public Works and Mr. François Baby relating to those works; also copies of all tenders made for plying Tug Boats on the St. Lawrence below Quebec, and copy of the Contract entered into with Mr. François Baby for the performance of that service.<sup>12</sup>

[NOTICE OF MOTION RE: CONGRATULATORY ADDRESS TO SIR EDMUND HEAD.]

MR. PRES. EX. COUN. MACNAB [gave notice that] on Monday next [he would move] to resolve, That an humble Address be presented to His Excellency the Governor General, tendering the congratulations of this House to His Excellency, on his appointment as Her Majesty's Representative in this Province, and to renew our assurances of our attachment to Her Majesty's Person and Government.<sup>13</sup>

[NOTICE OF MOTION: FOR COMMITTEE OF WHOLE TO CONSIDER RESOLUTIONS ON RAILROADS.]

MR. TURCOTTE [gave notice that] on Thursday next [he would move] that the House do resolve itself into a Committee of the Whole to take into consideration the following Resolutions:

1. That the Route between Quebec and Montreal by the Richmond Railroad and the St. Lawrence and the Atlantic Railroad, is not the shortest and most direct line between Quebec and Montreal, and can never be the natural Route between them, inasmuch as it passes at a considerable distance from both banks of the river, and can be of no use to the numerous population by which they are inhabited.

2. That inasmuch as the importance of the two cities of Quebec and Montreal must be doubled within a very short period, as the River St. Maurice must develop a lumber trade of incalculable extent, and the North Shore of the River possesses, at almost every point, water power, and other sources of wealth without number, a Railroad has become a necessity to the future progress and welfare of that portion of the country.

3. That even if the Provincial guarantee were given to the North Shore Railroad, and the Trois Pistoles Road were completed to the eastern limits of the Province, by the help of the said guarantee, Upper Canada would still enjoy a larger amount of guarantee than Lower Canada.

4. That it is, therefore, impossible, without injustice, to refuse to the three hundred thousand inhabitants of the North Shore between Quebec and Montreal, the Provincial guarantee, and the power of extricating themselves, by means thereof, from a state of isolation, and placing themselves, like the inhabitants of other portions of the Province, in communication with the immense net-work of railroads, which covers the whole of North America.<sup>14</sup>

[NOTICE OF MOTION RE: SHIPBUILDING IN LOWER CANADA.]

MR. ALLEYN [gave notice that] on Monday next [he would move for a] Bill, instituted (sic), "An Act to encourage Ship-building in this Province."<sup>15</sup>

[NOTICE OF QUESTION RE: AMENDMENTS TO SEIGNIORIAL TENURE BILL.]

MR. DUFRESNE [gave notice that] on Monday next [he would make an] Enquiry of Ministry, whether the Government intend, during the present session of the

Legislature, to bring in any amendments to the Seigniorial Tenure Bill, and if so, what amendments?<sup>16</sup>

[QUESTION AND ANSWER RE: LEGISLATIVE COUNCIL BILL.]

MR. THIBAUDEAU [asked a question.]<sup>17</sup>

MR. PRES. EX. COUN. MACNAB said that the Legislative Council Bill was still under consideration.<sup>18</sup>

[POSTPONED NOTICE OF MOTION RE: SEAT OF GOVERNMENT.]

On the notice relative to Mr. Patrick's motion for a permanent Seat of Government being called,

MR. AT. GEN. DRUMMOND said that when it came up he should endeavor to have it carried in an amended shape, declaring the propriety of making the Seat of Government permanent after the next Parliament. In the meantime it was postponed.<sup>19</sup>

FOOTNOTES: 23 FEBRUARY 1855.

1. Telegraph (HAMILTON SPECTATOR), 24 February 1855, reports: "The House met at 3 o'clock this afternoon." TORONTO DAILY LEADER, 24 February 1855, comments: "few Upper Canada members had arrived. There would consequently be a thin House at the opening." GLOBE, 23 February 1855, adds to this "A number of western members have gone down to be present at the opening.... Among those who have left are Messrs. Cameron, Robinson, Hartman, Lumsden, Fergusson, McBeth, A. Morrison, Clarke, Rolph, Wilson, Southwick, Mackenzie, Aikins, and Foley. We hear that Messrs. J.C. Morrison, Brown, Ferrie, Daly and Merritt will leave on Monday. Mr. Niles, we regret to learn, is sick and cannot leave at present."
2. Telegraph (HAMILTON SPECTATOR), 24 February 1855.
3. IBID.
4. IBID.
5. HAMILTON SPECTATOR, 3 March 1855.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. Telegraph (HAMILTON SPECTATOR), 24 February 1855.
11. IBID.
12. HAMILTON SPECTATOR, 3 March 1855.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. Telegraph (HAMILTON SPECTATOR), 24 February 1855.
18. IBID.
19. IBID.



MONDAY, 26 FEBRUARY 1855.

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SYDNEY BELLINGHAM, Esquire, Member for the County of Argenteuil, having previously taken the Oath according to Law, and subscribed before the Commissioners the Roll containing the same, took his seat in the House.

Mr. Speaker laid before the House, Returns from Registrars of the following Counties in Upper Canada, received in pursuance of the Order of this House of the 14th day of September last, viz: Simcoe, Leeds, Peterborough and Victoria, Essex, and Lanark.

For the said Returns, see Appendix (Z.)

Also, Statement of the Affairs of the Ontario, Simcoe and Huron Railroad Union Company, from 1st July to 31st December, 1854.

For the said Statement, see Appendix (F.F.)

And also, Returns from Sheriffs of Counties in Upper Canada and Districts in Lower Canada, and from Police Magistrates of Cities and Towns in the Province, received in pursuance of the Order of this House of the 8th November last.

For the said Returns, see Appendix (A.A.A.)

The following Petitions were severally brought up and laid on the table:--

By Mr. Solicitor General Smith,--The Petition of Thomas Parke and others, Shipowners, Forwarders, and Merchants.

By Mr. Crawford,--The Petition of the Town Council of the Town of Woodstock; the Petition of the Town Council of the Town of Perth; the Petition of the Town Council of the Town of Peterborough; the Petition of the Town Council of Picton; the Petition of the Town Council of Goderich; and the Petition of the Town Council of Chatham.

By Mr. Hartman,--The Petition of the Municipal Council of the united Counties of York and Peel; and the Petition of Holland Landing Division, No. 107, of the Order of the Sons of Temperance.

By Mr. Patrick,--The Petition of Andrew Ralston and others, of the Township

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of Augusta; the Petition of Stewart Herron and others, of the Township of Augusta; and the Petition of John L. Wood and others, of the Township of Augusta.

By Mr. Fergusson,--The Petition of William Armstrong, Clerk of the Peace of the County of Grey.

By Mr. Gill,--The Petition of Michel Allard and others, of the County of Yamaska.

By the Honorable Sir Allan N. MacNab,--The Petition of the Hamilton Mercantile Library Association.

By the Honorable Mr. Lemieux,--The Petition of the Reverend Robert R. Burrage.

By Mr. Dionne,--The Petition of the Municipal Council of the County of Rimouski, No. 1.

By Mr. Masson,--The Petition of Charles Benedict and others, Electors of the County of Argenteuil; the Petition of Lemuel Cushing, Esquire, Merchant, of the Township of Chatham, County of Argenteuil; the Petition of the Reverend C. Dufour and others, of St. Zotique, District of Montreal; and the Petition of Simeon Ashley and others, of the Township of Huntingdon.

By the Honorable Mr. Cauchon,--The Petition of the North Shore Railroad Company.

By Mr. Bellingham,--The Petition of John Meikle and others, Electors of the County of Argenteuil.

By Mr. Somerville,--The Petition of D. Macfarlane and others, of the Township of Elgin; and the Petition of William Anderson, Chairman, and Robert Middlemiss, Secretary, on behalf of The Board of School Commissioners of the Municipality of Hinchinbrooke, County of Huntingdon.

By Mr. Bureau,--The Petition of the Reverend P. Bédard and others, of the Counties of Napierville and Laprairie; and the Petition of W. McKay and others, of Sherrington, latterly Babyville.

By Mr. Chapais,--The Petition of the Corporation of the College of Ste. Anne de la Pocatière.

By Mr. Bell,--Three Petitions of the Municipal Council of the united Counties of Lanark and Renfrew.

By Mr. Antoine Aimé Dorion,--The Petition of F. MacDonell, Esquire, and others, Members of the Committee of the Eye and Ear Institution, and others, of Montreal; and the Petition of Ovide LeBlanc, Esquire, and others, Members of the Benevolent Society of Notre Dame de Bonsecours, of Montreal.

By Mr. Southwick,--Three Petitions of the Municipal Council of the County of Elgin.

By Mr. Clarke,--The Petition of Jacob Hespeler and others, of the Village of Preston, County of Waterloo.

Pursuant to the Order of the day, the following Petitions were read:--

Of James Kinnear, of the Township of Leeds, County of Megantic, Miller and Farmer; praying payment of his account for attendance as a witness on the trial of the Contested Election for the County of Megantic, during the last Session of Parliament.

Of H. Lanctot and others, of the Parish of St. Edouard, County of Iberville; praying for certain amendments to the Seigniorial Act of 1854.

Of R.G. Greig and others, proprietors of Farms on the Lower Lachine Road; praying that the Act 16 Vic. cap. 127, may be so amended that they may by law refer their claims for damages suffered by them in consequence of the construction of the City Aqueduct to appraisers indifferently chosen.

Of Michael P. Phelan and others, of St. Colomban, District of Montreal; praying for aid to construct a bridge over the Rivière du Nord, at Montreal.

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Of the Reverend T. Trudelle and others, of the Village of Somerset; praying for aid in behalf of an Academy in the said Village.

Sur motion de MR. HOLTON,<sup>1</sup>

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Ordered, That the Petition of Major General George A. Weatherall, and Charles Martin, Esquire, a Lieutenant of Her Majesty's 95th Regiment of Infantry; the Petition of William F. Coffin, Attorney and Agent in behalf of the Inhabitants of the Counties of Clinton, Essex, and Franklin, in the State of New York; and the Petition of Thomas Watson and others, proprietors and holders of Stock in the Montreal and New York Railroad Company, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Mr. Laberge, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Montmagny; informed the House, That James Ross, William Frederick Powell, and John P. Crysler, Esquires, Members of the Committee, were not present within one hour after the time appointed for the meeting of the said Committee, this day.

*Ordered, That James Ross, William Frederick Powell, and John P. Cryslar, Esquires, do attend in their places in this House To-morrow.*

*Ordered, That Mr. Somerville have leave to bring in a Bill to establish a Circuit Court in and for the County of Huntingdon and part of the County of Chateaugay.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Somerville have leave to bring in a Bill to establish a Registry Office in and for the County of Huntingdon and part of the County of Chateaugay.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*On motion of Mr. Charles Daoust, seconded by Mr. Prévost,*

*Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a copy of the Correspondence (if any may have taken place) between John Samuel McCord, one of Her Majesty's Circuit Judges for Lower Canada, and the Executive Government of this Province, with reference to the change of the place of holding the Sittings of the Circuit Court in and for the Beauharnois Circuit.*

*Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.*

MR. C. DAOUST (de Beauharnais) propose que la Chambre se forme en comité général pour prendre en considération certaines résolutions au sujet du paiement des jurés. Il appuie sa motion de quelques considérations, mais il est interrompu par<sup>2</sup>--

MR. AT. GEN. DRUMMOND objected that such a motion implying the expenditure of money must originate with the government<sup>3</sup>. Ce sujet se trouve compris dans le bill municipal, qui contient une clause permettant aux municipalités de prélever des fonds pour cet objet.<sup>4</sup>

MR. SICOTTE the SPEAKER décide que la motion de M. Daoust n'est pas dans l'ordre, parce que la constitution réserve exclusivement au gouvernement le droit d'initiative dans toute appropriation de deniers.<sup>5</sup>

MR. C. DAOUST.--Je sais fort bien cela; mais je désirerais plus particulièrement savoir quelle est l'intention du gouvernement sur cette matière importante, et ce qu'il entend faire. Je dois dire que le moyen proposé par le procureur-général dans le bill municipal est entièrement inefficace, et qu'il ne donnera aucune satisfaction au public. Dans le Haut Canada la loi ne fonctionne pas bien, et on le voit par les pétitions présentées à cette chambre pour en demander l'amendement.<sup>6</sup>

MR. SICOTTE the SPEAKER interrompt M. Daoust en lui disant que ce n'est pas le temps de discuter sa motion, puisqu'elle a été déclarée hors d'ordre.<sup>7</sup>

MR. TURCOTTE.--Devons-nous comprendre, M. l'orateur, que cette Chambre ne peut avoir le droit d'exprimer une opinion sur l'opportunité de faire subir des amendements aux lois? Si la constitution, si l'acte d'Union va jusque là, il vaut autant que le peuple cesse d'envoyer des représentants en Chambre. On sait



fort bien que cette Chambre ne peut faire d'appropriation d'argent, mais elle peut exprimer son opinion sur ce qui devrait être fait. Si la constitution l'en empêche, le plus tôt on en sera débarrassé, le mieux sera pour nous.<sup>8</sup>

MR. SICOTTE the SPEAKER répète qu'il a décidé que la motion était hors d'ordre, et qu'il ne peut la recevoir ni en permettre la discussion.<sup>9</sup> The present motion was inadmissible (sic) without deciding any other case that might arise.<sup>10</sup>

MR. TURCOTTE en appelle de la décision de l'Orateur, mais elle est maintenue<sup>11</sup>.

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*Mr. Charles Daoust moved, seconded by Mr. Bureau, and the Question being proposed, That this House will immediately resolve itself into a Committee, to take into consideration the expediency of providing either out of the Consolidated Revenue Fund of this Province, or out of any other Fund that the Government may deem expedient, for the payment of persons summoned from time to time to serve as Jurors in Criminal prosecutions;*

*Mr. Speaker declined receiving the Motion, the same tending to an appropriation of Public Monies which had not been recommended by Message from His Excellency the Governor General, or otherwise.*

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*And an Appeal being made from Mr. Speaker's decision; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Alleyn, Bell, Bellingham, Biggar, Casault, Cauchon, Cayley, Chauveau, Church, Clarke, Cooke, Cook, Crawford, Jean B. Daoust, DeLong, DeWitt, Dionne, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Fergusson, Octave C. Fortier, Fournier, Frazer, Gill, Gould, Hartman, Holton, Larwill, LeBoutillier, Lemieux, Lumsden, Macbeth, John S. Macdonald, Attorney General Macdonald, Mackenzie, Sir A.N. MacNab, McCann, McKerlie, Matheson, Meagher, Munro, Murney, Patrick, Prévost, Rhodes, Robinson, Rolph, Solicitor General Ross, Scatcherd, Shaw, Solicitor General Smith, Somerville, Southwick, Spence, Stevenson, Taché, and Wilson.--(59.)*

NAYS.

*Messieurs Bourassa, Bureau, Charles Daoust, Desaulniers, Huot, Jobin, Laberge, Marchildon, Masson, Thibaudeau, Turcotte, and Valois.--(12.)*

*So the decision of Mr. Speaker was confirmed.*

*Ordered, That Mr. Alleyn have leave to bring in a Bill to encourage Ship-building within this Province.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

MR. HOLTON moved for an address for papers relative to the Piers below Quebec, and the Tug Boats contracted for by Mr. Baby. He said it was not his intention to renew the discussion of last session on this subject. The money was gone and no one was responsible for it according to the present version of our system of government. But it might be the duty of the House to prevent similar spoliation taking place for the future.<sup>12</sup> He wished the return to be furnished that something might be done to check extravagance.<sup>13</sup> Last session the country was astounded at hearing that £100,000 had been spent without any

Parliamentary sanction, and it appears that the ministry yielding doubtless, to public opinion, had ejected<sup>14</sup> the gentleman who was at the head of the department of Public Works, when these contracts were entered into<sup>15</sup>, thinking thus to shield themselves from the punishment which belonged to an act for which they and he were alike responsible. He knew this was not alleged as the reason of the changes in the explanations given the other evening. But it was well known that it was so, while, with respect to another gentleman, it was generally believed that he had been the victim of an intrigue. At any rate the country had a right to explanation.<sup>16</sup> Il trouve que les explications données vendredi dernier par Sir Allan McNab ne sont pas suffisantes; il espère qu'il y en aura de nouvelles.<sup>17</sup> He had already invited explanations but without success<sup>18</sup>. Si les ministres actuels ne veulent pas en donner, il espère que les ministres qui ont été rejetés de l'administration en donneront.<sup>19</sup> He now thought it possible that the late ministers might desire to make some--to say whether they had differed from their colleagues, & resigned or whether they had been simply<sup>20</sup> ejected.<sup>21</sup>

On lui a dit que les contrats avaient été données (sic) à M. Baby pour construire une ligne de bateaux à vapeur d'une qualité inférieure, tandis que d'autres soumissionnaires, dont les termes étaient plus élevés, étaient prêts à établir une ligne de vaisseaux de première classe, qui aurait donné pleine satisfaction au commerce et au public en général.<sup>22</sup>

MR. PRES. EX. COUN. MACNAB thought the motion made for the sake of the speech.<sup>23</sup> M. Holton a pu entendre dire qu'il y avait d'autres explications à donner de la part du gouvernement, mais après celles que j'ai données l'autre jour, je ne vois pas pourquoi il en demande de nouvelles. Quelles explications peut-on donner de plus? Il n'y a eu qu'un changement de personnel.<sup>24</sup> As to the acts of the Commissioner of the Board of Works, it was not his business to justify what had been done by the late Ministry; but he had no doubt the late Commissioner had done his best and what he thought was right. In any case any remarks upon him should be deferred till he was present. In the meantime, he (Sir Allan) expressed no opinion on the subject.<sup>25</sup>

MR. J.S. MACDONALD remarked that the two new members of the Ministry had been opposed to the principle of the Legislative Council Bill.<sup>26</sup> Mr. Cartier who was now Provincial Secretary, it was well known, had formerly opposed certain provisions in the Elective Legislative Council Bill. Had the Government altered their policy? Some explanation was due to the House, and if not given to-day, should be promised on some other occasion.<sup>27</sup>

MR. PRES. EX. COUN. MACNAB denied the existence of any difference of opinion among the members of the Government as to the Legislative Council Bill. He had previously stated, that it was the intention of the Government to proceed with that measure. To the principle of the Bill which had been laid before the House, the Government were committed; its details might still form matter of deliberation, as it was of the utmost consequence that a measure of such importance should be carefully weighed.<sup>28</sup>

MR. MACKENZIE--Why the bill was printed in the fall<sup>29</sup>. The gallant knight had stated before the adjournment, that the Government would proceed with certain measures when the House assembled in February. Among them was this Elective Legislative Council Bill. The House had met in September, had continued in session to the end of December, and now in February, the gallant knight told them that the details of the Bill were still under consideration. The present Government had changed the character of the Bill introduced by their



predecessors. Now, they were going to change the measure they had themselves framed. He thought it was time the House knew what was the nature of the measure they were now to be called to vote for.<sup>30</sup>

MR. MURNEY said the member for the County of Quebec was in his place, and he thought the House ought to hear from him whether he had been kicked out of the Government--whether he got tired--or whether he was to be better employed.<sup>31</sup>

MR. CHAUVEAU.--On me demande des explications sur les changements survenus dans l'administration; mais ce n'est pas à moi qu'il faut les demander. Tout ce que je sais, c'est que lors de la résignation de M. Morin, tous les ministres bas-canadiens ont cru devoir résigner, et c'est ce que j'ai fait<sup>32</sup>. In the reconstruction of the Cabinet he was not offered a place<sup>33</sup>. He afterwards heard that his late office had been filled up, and he was offered the Chief Commissionership on the Commission for the codification of the laws. That he refused. He knew no more about it, and should sustain or oppose the measures of the Ministry as they might be good or bad.<sup>34</sup>

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*On motion of Mr. Holton, seconded by Mr. Antoine Aimé Dorion, Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House a detailed Statement of all monies expended during the years 1853 and 1854, in the construction of Light Houses and Piers below Quebec; copies of all Orders in Council authorizing such expenditure, and acted upon by the Department of Public Works; of all Tenders for the execution of these Works, and of all Contracts entered into therefor; and of the reports and estimates of Engineers on which such Contracts were founded, and of all correspondence between the Department of Public Works and Mr. François Baby, relating to those Works; also copies of all Tenders made for plying Tug Boats on the St. Lawrence below Quebec, and copy of the Contract entered into with Mr. François Baby for the performance of that service.*

*Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.*

*On motion of the Honorable Sir Allan N. MacNab, seconded by Mr. Antoine Aimé Dorion,*

*Resolved, That the following humble Address be presented to His Excellency the Governor General:--*

*To His Excellency Sir Edmund Head, Baronet, Governor General of British North America, and Captain General and Governor in Chief in and over the Prov-*

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*inces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c., &c.*

*May it please Your Excellency,*

*We, Her Majesty's dutiful and loyal subjects, the Commons of Canada, humbly beg leave to tender to Your Excellency our congratulations on your appointment as Her Majesty's Representative in this Province, and to renew our assurances of our attachment to Her Majesty's Person and Government.*

*Ordered, That the said Address be engrossed.*

*Ordered, That the said Address be presented to His Excellency the Governor General by the whole House.*

*Ordered, That such Members of this House as are of the Honorable the Executive Council of this Province, do wait upon His Excellency the Governor General to know His Excellency's pleasure when he will be attended by this House with its Address.*

*The Honorable Sir Allan N. MacNab, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency the Governor General, signed by His Excellency.*

*And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth:--*

*Edmund Head.*

*The Governor General transmits for the information of the Legislative Assembly, a Copy of a Despatch from Her Majesty's Principal Secretary of State for the Colonies.*

*Government House,*

*Quebec, 26th February, 1855.*

*(Copy.)--No. 12.*

*Downing Street, 26th January, 1855.*

*Sir,--I have received from the Earl of Elgin, with a request that it might be laid before the Queen, the joint Address to Her Majesty of which His Lordship was the bearer, from the Legislative Council and Legislative Assembly of Canada, offering to Her Majesty their cordial congratulations on the Victory gained by the allied English and French Armies on the heights of Alma, expressing their sympathy and compassion for the sufferings and bereavement consequent on this Victory, and pledging themselves to place at the disposal of the Royal Commissioners appointed by Her Majesty, their contribution towards the relief of the Widows and Orphans of the Soldiers, Sailors, and Marines of the allied Armies and Navies of England and France who may fall in the War. I have also received your Despatch No. 6, of the 5th instant, transmitting to me two Drafts for Ten thousand pounds sterling, each, voted by the Provincial Parliament in pursuance of this Address.*

*I have had the greatest satisfaction in laying this Address before the Queen, who was pleased to receive it very graciously; and Her Majesty has commanded me to acquaint you that it has been most gratifying to Her to receive these proofs of the deep interest felt by the Legislative Council and Assembly of Canada, in the achievements of Her Majesty's gallant Forces, and those of Her Allies, and of their generous compassion for the sufferers and the bereaved.*

*It is scarcely necessary that I should assure you that the sympathy expressed by the Legislature of Canada with Her Majesty's loyal people in this country, and the liberality of this contribution to the Patriotic Fund, will be warmly appreciated by all classes throughout the United Kingdom. I have transmitted the two Drafts to the Duke of Newcastle, to whose order they are made payable, and they will be appropriated by His Grace in the manner desired by the*

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*Council and Assembly. I have also requested the Earl of Clarendon to communicate to the French Government a copy of the Address, and to inform that Government that the sum of Ten thousand pounds is held at their disposal for the purpose for which it has been remitted.*

*I have, &c.,*

*(Signed,)*

*G. Grey.*

*Governor Sir Edmund Head, Baronet.*

*&c.,*

*&c.,*

*&c.*

*Ordered, That the said Message be printed for the use of the Members of this House.*

MR. PRES. EX. COUN. MACNAB presented a message from the Governor inclosing a despatch from Downing Street, acknowledging the receipt of the joint address of the two Houses on the war, and drafts for £20,000.<sup>35</sup>

MR. HOLTON asked why these addresses were kept back for three weeks, merely to confer a little claptrap triumph on Lord Elgin by making him the bearer of them? (Laughter.)<sup>36</sup>

Sur motion de MR. SOL. GEN. H. SMITH,<sup>37</sup>

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*The Order of the day for taking into consideration the Reasons of absence of such Members as were not present at the Call of the House on Tuesday, the seventh day of November last, being read;*

*Ordered, That the said Order of the day be discharged.*

*Mr. Murney moved, seconded by Mr. Mackenzie, and the Question being put, That this House do now adjourn; the House divided:--And it was resolved in the Affirmative.*

*The House adjourned accordingly.*

APPENDIX: 26 FEBRUARY 1855.

[NOTICE OF MOTION RE: BILL ON THE AUDITING OF PUBLIC ACCOUNTS.]

MR. INSP. GEN. CAYLEY [donne avis que] lundi prochain [il fera motion pour un] Bill pour assurer l'audition des comptes publics d'une manière plus efficace.<sup>38</sup>

[NOTICE OF MOTION FOR BILL TO AMEND ACT 14 & 15 VIC., CHAP. 57--PUBLIC WORKS.]

MR. CASAULT [donne avis que] mercredi prochain [il] fera motion pour permission d'introduire un bill pour amender l'acte 14 et 15 Victoria, chap. 57.<sup>39</sup>

[NOTICE OF MOTION RE: ADDRESS ORDERING CERTAIN DOCUMENTS ON CLERGY RESERVES.]

MR. BROWN [donne avis que] mercredi prochain [il fera motion pour une] Adresse au sujet de la mise à effet des dispositions de l'acte des réserves du clergé de cette session, relatives à la commutation.<sup>40</sup>

[NOTICE OF MOTION RE: ADDRESS FOR COPY OF A REPORT ON EMIGRATION.]

MR. ROBINSON [donne avis que] mercredi prochain [il fera motion pour une] Adresse demandant copie du rapport de A.C. Buchanan, écuyer, au sujet de l'immigration.<sup>41</sup>

[NOTICE OF MOTION RE: ADDRESS FOR COPIES OF REPORTS ON MILITIA.]

MR. ROBINSON [donne avis que] mercredi prochain [il fera motion pour une] Adresse demandant copie des dépêches ou correspondances entre le gouvernement impérial et provincial, au sujet du rappel de troupes du Canada, et des moyens de défense de la province à l'avenir et copie du rapport des commissaires au sujet de la milice.<sup>42</sup>

[NOTICE OF MOTION RE: PATRIOTIC FUND.]

CAPT. RHODES [donne avis que] vendredi prochain [il fera motion] que le secrétaire provincial soit requis de faire rapport à cette chambre des différentes sommes d'argent souscrites en cette province pour le fonds patriotique; et de spécifier les différentes localités où l'argent a été prélevé, et si ces montants proviennent de la contribution privée ou autrement.<sup>43</sup>

[NOTICE OF MOTION RE: SALE OF INTOXICATING LIQUORS IN THE HOUSES.]

MR. PATRICK [donne avis que] mercredi prochain [il] proposera que la vente des liqueurs spiritueuses soit suspendue dans les édifices occupés par cette branche de la législature.<sup>44</sup>

[NOTICE OF MOTION: TO RESCIND ORDER FOR CERTAIN RETURNING OFFICERS TO APPEAR AT BAR OF HOUSE.]

MR. HUOT [donne avis que] mercredi prochain [il] proposera que la résolution adoptée dans une précédente séance de cette session, pour faire comparaître à la barre de cette chambre les députés officiers rapporteurs des paroisses de la Malbaie, Ste. Agnès, St. Fidèle, des Eboulements, St. Urbain, ainsi que Jean

Gagné, écuyer, N.P., soit rescindé et qu'en conséquence les dits députés officiers rapporteurs et Jean Gagné, écuyer, soient dispensés de comparaître à la barre de cette chambre.<sup>45</sup>

[NOTICE OF MOTION RE: SEAT OF GOVERNMENT.]

MR. AT. GEN. DRUMMOND [donne avis que] lorsque les débats seront repris sur la motion de M. Patrick pour qu'une adresse soit présentée à Son Excellence au sujet du siège du gouvernement, et sur la motion de M. Brown, en amendement à la première, [il fera motion] que l'amendement proposé par M. Brown soit de nouveau amendé en y ajoutant les mots suivants: "en autant qu'il s'agit du lieu où la prochaine session du parlement se tiendra; mais que c'est l'opinion de cette chambre qu'un lieu convenable devrait être choisi sans plus de retard, pour ériger des édifices pour l'usage permanent des membres de la législature et des officiers attachés aux divers départements du gouvernement civil de cette province, à l'expiration des quatre années qui suivront l'époque où les bureaux du gouvernement seront transférés de la cité de Québec."<sup>46</sup>

[NOTICE OF QUESTION RE: ST. MICHEL WHARF.]

MR. O. FORTIER (de Bellechasse) [donne avis que] jeudi prochain [il] demandera à l'administration si c'est l'intention du gouvernement, durant cette session, de faire un octroi d'argent, pour la construction d'un quai en la paroisse St. Michel.<sup>47</sup>



FOOTNOTES: 26 FEBRUARY 1855.

1. LE PAYS, 3 March 1855.
2. LE PAYS, 1 March 1855.
3. TORONTO DAILY LEADER, 27 February 1855.
4. LE PAYS, 1 March 1855.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. TORONTO DAILY LEADER, 27 February 1855.
11. LE PAYS, 1 March 1855.
12. MORNING CHRONICLE, 27 February 1855.
13. TORONTO DAILY LEADER, 5 March 1855.
14. MORNING CHRONICLE, 27 February 1855.
15. TORONTO DAILY LEADER, 5 March 1855.
16. MORNING CHRONICLE, 27 February 1855.
17. LE PAYS, 1 March 1855.
18. MORNING CHRONICLE, 27 February 1855.
19. LE PAYS, 1 March 1855.
20. MORNING CHRONICLE, 27 February 1855.
21. MONTREAL GAZETTE, 1 March 1855.
22. LE PAYS, 1 March 1855.
23. MORNING CHRONICLE, 27 February 1855.
24. LE PAYS, 1 March 1855.
25. MORNING CHRONICLE, 27 February 1855.
26. IBID.
27. TORONTO DAILY LEADER, 5 March 1855.
28. IBID.
29. MONTREAL GAZETTE, 1 March 1855.
30. TORONTO DAILY LEADER, 5 March 1855.
31. IBID.
32. LE PAYS, 1 March 1855.
33. TORONTO DAILY LEADER, 5 March 1855.
34. MORNING CHRONICLE, 27 February 1855.
35. IBID.
36. IBID.
37. LE PAYS, 3 March 1855.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.

TUESDAY, 27 FEBRUARY 1855.

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THE Sergeant-at-Arms attending this House, informed the House, that he had taken John Wilson, Esquire, into his custody.

Whereupon the Honorable John Sandfield Macdonald acquainted the House, that he was desired by Mr. Wilson to state, That he left the City of Quebec in the beginning of December last, believing that this House would be adjourned long before the day to which the sitting of the Drummond and Arthabaska Election Committee had been adjourned, and that he was surprized at the delay in adjourning this House; and the same having been verified upon Oath by Mr. Wilson;

Ordered, That John Wilson, Esquire, be discharged out of custody.

The Sergeant-at-Arms attending this House, informed the House, that he had taken Robert B. Somerville, Esquire, into his custody.

Whereupon Mr. Jobin acquainted the House, that he was desired by Mr. Somerville to state, That he was absent from the Select Committee on the Drummond and Arthabaska Election Petition at its last meeting, in consequence of the said Committee having been adjourned over to a period which he was under the impression would not be till after the adjournment of the House, which he was led to believe would take place in a few days from the time of the first meeting (sic); and the same having been verified upon Oath by Mr. Somerville;

Ordered, That Robert B. Somerville, Esquire be discharged out of custody.

The Sergeant-at-Arms attending this House, informed the House, that he had taken John Scatcherd, Esquire, into his custody.

Whereupon Mr. Jobin acquainted the House, that he was desired by Mr. Scatcherd to state, That being fully confident that the House would adjourn previous to an adjourned meeting of the Drummond and Arthabaska Election Committee

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tee (to the tenth day of December,) on which Committee he was a Member, he left to attend important public duties as Warden of the County of Middlesex; and the same having been verified upon Oath by Mr. Scatcherd;

Ordered, That John Scatcherd, Esquire, be discharged out of custody.

Mr. Jobin moved, seconded by Mr. Thibaudeau, and the Question been (sic) put, That John Wilson, Robert B. Somerville and John Scatcherd, Esquires, be severally discharged from the payment of Fees; the House divided:--And it was resolved in the Affi[r]mative.

Mr. Speaker communicated to the House the following Letter:--

Quebec, 27th February, 1855.

Sir,--I have the honor to inform you, in the name of the Central Committee of the Exhibition, that His Excellency the Governor General having accepted an invitation to be present at the opening of the Exhibition, the Montreal Committee will feel gratified if you, and the Honorable the Legislative Assembly, will honor it with your presence. It will take place at Montreal on the 6th March next.

I have the honor to be, Sir,

With the highest respect,

Your humble Servant,

Louis Ricard,

Secretary to the Montreal Central Committee.

Honorable L.V. Sicotte,

Speaker of the Legislative Assembly.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Patrick,--The Petition of Thomas Coates and others, of the Township of Edwardsburgh; and the Petition of David S. Steele and others, of the Township of Augusta.

By Mr. Frazer,--The Petition of the Municipality of the Township of Stamford.

By Mr. Felton,--The Petition of E. Short, Esquire, and others, of the Town of Sherbrooke and vicinity; the Petition of J.H. Pope and others, of the Township of Eaton, District of St. Francis; the Petition of H. Hall and others, of Dudswell and other Townships, County of Wolfe, District of St. Francis; and the Petition of Thomas Davis and others, of the Township of Dudswell, District of St. Francis.

By Mr. Valois,--Two Petitions of the Reverend Jean Bte. St. Germain, of the Parish of St. Laurent, Island of Montreal.

By Mr. Turcotte,--The Petition of Edouard Tremblay, Esquire, of the Parish of St. Etienne de la Malbaie.

Mr. Laberge, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Montmagny, informed the House, That James Ross and John P. Crysler, Esquires, Members of the Committee, were not present within one hour after the time appointed for the meeting of the said Committee, this day.

Ordered, That Mr. Felton have leave to bring in a Bill to increase the number of Sittings of the Courts of Justice within the District of St. Francis, and to make a more convenient arrangement thereof.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That Mr. Masson have leave to bring in a Bill to establish a Registry Office for the County of Soulanges.

(598)

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the twelfth day of March next.

Ordered, That Mr. Masson have leave to bring in a Bill to establish a new Circuit in the County of Soulanges.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the twelfth day of March next.

Ordered, That Mr. Casault have leave to bring in a Bill to provide for the publication of Hypothecs and Real Rights in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Ordered, That Mr. Casault have leave to bring in a Bill for the more effectual protection of Copyrights in this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

The Order of the House of yesterday, for the attendance of James Ross, William Frederick Powell, and John P. Crysler, Esquires, in their places in this House, this day, being read;--And Mr. Powell attending in his place;

Ordered, That the 84th Section of "The Election Petitions Act of 1851" be now read;--And the same being read;

Ordered, That William Frederick Powell, Esquire, being one of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Montmagny, and not having been present within one hour after the time appointed for the meeting of the Committee yesterday, be taken into the custody of the Sergeant-at-Arms attending this House, for such neglect of duty.

The Order of the day for receiving the Report of the Committee of the whole House to consider the expediency of increasing the Salaries of the subordinate Officers of the several Departments of the Public Service, and of the Chief Justice and Puisne Judges and Chancellor and Vice-Chancellors of the Superior Courts of this Province, being read;

Ordered, That the said Order of the day be postponed until Tuesday next.

The Order of the day for the second reading of the Bill to amend the Act, intituled, "An Act to repeal two certain Acts therein mentioned relating to Agriculture, and to provide for the remedy of abuses prejudic[i]al to Agriculture," being read;

Mr. Pouliot moved, seconded by Mr. Alleyn, and the Question being proposed, That the Bill be now read a second time;

Mr. Poulin moved in amendment to the Question, second[ed] by Mr. Thibaudeau, That the word "now" be left out, and the words "this day six months" added at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

(598-599)

#### YEAS.

Messieurs Aikins, Blanchet, Bourassa, Brodeur, Casault, Chauveau, Cooke, Desaulniers, Antoine A. Dorion, Dostaler, Dufresne, Fergusson, Octave C. Fortier, Fournier, Galt, Gill, Hartman, Holton, Lemieux, John S. Macdonald, Roderick McDonald, Masson, Munro, Patrick, Poulin, Prévost, Rolph, Somerville, Thibaudeau, Valois, Wilson, and Wright.--(32.)

(599)

#### NAYS.

Messieurs Bell, Bureau, Cayley, Chapais, Church, Clarke, Cook, Jean B. Daoust, DeLong, DeWitt, Dionne, Jean B.E. Dorion, Attorney General Drummond, Felton, Frazer, Huot, Jobin, Laberge, Lumsden, Macbeth, Attorney General Macdonald, Mackenzie, Sir A.N. MacNab, McCann, Marchildon, Matheson, Meagher, Angus Morrison, Pouliot, Powell, Rhodes, Robinson, Solicitor General Ross, Shaw, Solicitor General Smith, Southwick, Spence, Taché, and Turcotte.--(39.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That the Bill be now read a second time.

The Bill was accordingly read a second time; and referred to a Committee of five Members, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That Mr. Pouliot, Mr. Taché, Mr. Rhodes, Mr. Jean Baptiste Eric Dorion, and the Honorable Sir Allan N. MacNab, do compose the said Committee.



*The Order of the day for the second reading of the Bill to amend the Act, intituled, "An Act to provide for the better organization of Agricultural Societies in Lower Canada," being read;*

*Ordered, That the Bill be read a second time on Thursday next.*

MR. ALLEYN moved the second reading of the bill to incorporate Congregation of Catholics at Quebec speaking the English language.<sup>1</sup>

The motion passed, and the bill was read a second time.<sup>2</sup>

MR. ALLEYN then moved that the bill be referred to the Committee on Private Bills.<sup>3</sup>

MR. MACKENZIE desired some information as to the object of the bill. He could see no more necessity for incorporating the Catholics of Quebec speaking the English language than there would be for incorporating the 160 Pagans in his own county (Haldimand) speaking the Indian language. He understood that this bill had been introduced in the last House of Assembly and did not pass.<sup>4</sup>

MR. ALLEYN said that some years ago it was found that there was not room in the Catholic church of Quebec to accommodate the English portion of the Catholics, and that these accordingly united their subscriptions, and with the aid of the Protestants of Quebec, bought a piece of ground and built a church, which had been managed by a body of Trustees ever since. The bill introduced in last Parliament had fallen through, but not on account of any objection raised to it.<sup>5</sup>

The motion was agreed to, and the bill referred.<sup>6</sup>

(599)

*The Order of the day for the second reading of the Bill to incorporate the Congregation of the Catholics of Quebec speaking the English language, being read;*

*The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.*

MR. ALLEYN moved the second reading of the bill to amend and consolidate Acts incorporating Quebec. In doing so, he explained that the bill gave certain new powers to the municipality, and altered the mode of election, substituting as in Montreal vote by ballot instead of the present system. The bill also gave the right to vote to every person who paid assessment.<sup>7</sup>

MR. MACKENZIE asked why Parliament should be called upon to pass one Bill for Montreal, another for Toronto, and another for Quebec. Why not have one general system for all their municipalities. If the proposed plan was good for Quebec, apply it generally. If inapplicable to others, they should not go into it at all.<sup>8</sup>

MR. AT. GEN. DRUMMOND admitted the force of Mr. Mackenzie's remarks; but it had to be taken into account that prior to the union certain rights had been acquired by the different cities in both sections of the Province. It was just now impossible, however desirable it might be, to have a uniform act, applicable to all cities. The importance of such uniformity was not lost sight of by the government; and he hoped they would be able to perfect a measure relating, not merely to the incorporation of cities, but relating to religious bodies, so that an end might be put to the system of enacting special laws for each particular society.<sup>9</sup> At present a bill was before the Legislature, giving uniformity to the municipal system of Lower Canada, but as their cities were very few, he did



not think there was any good reason for taking away the special Acts from Montreal and Quebec.<sup>10</sup> It was desirable, as much as possible to simplify legislation, and the efforts of the government would be directed to that purpose. (hear, hear, from Mr. Mackenzie.)<sup>11</sup>

MR. A. DORION (Montreal) was glad that it should be proposed to introduce in Quebec the system now in operation in Montreal, where it had wrought admirably, putting a stop to these disgraceful scenes which used to characterize former elections. At the same time he thought the system still susceptible of improvement by making the election last only one day instead of six or seven,<sup>12</sup> [and] the votes should be taken ... in different wards.<sup>13</sup> At present, when one candidate had a majority on the first day, his opponent had an opportunity of trying to turn the scale the next by bribery, and the longer the poll was kept open, the greater would be the bribery.<sup>14</sup>

MR. ALLEYN said he would be ready to receive any suggestion for its improvement when the bill came before committee.<sup>15</sup>

(599)

*The Order of the day for the second reading of the Bill to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town, being read;*

*The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.*

*The Order of the day for the second reading of the Bill to explain the Act 16 Vic. cap. 184, being read;*

*Ordered, That the Bill be read a second time on Thursday next.*

*The Order of the day for the second reading of the Bill to amend and consolidate the Laws for the prevention of damages to and deterioration of property either under seizure or hypothecation to the prejudice of the seizing or hypothecary Creditor, being read;*

*The Bill was accordingly read a second time; and referred to a Select*

(600)

*Committee, composed of Mr. Pouliot, The Honorable Mr. Chauveau, Mr. Solicitor General Ross, The Honorable Mr. Chabot, Mr. Antoine Aimé Dorion, Mr. Loranger, and Mr. Turcotte, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

*The Order of the day for the second reading of the Bill for the prevention of Intemperance in this Province, being read;*

*Ordered, That the Bill be read a second time on Tuesday next.*

DR. POULIN moved the House into committee on the Bill to incorporate the College of Monnoir.<sup>16</sup>

MR. J.S. MACDONALD (Glengary) said the same objection existed to this bill, as had been raised to that incorporating the Masson College. He objected entirely to the principle of allowing such corporations to hold real estate, and at the proper time would record his vote against it.<sup>17</sup>

MR. MACKENZIE offered a few remarks on the neglect of many similar corporations to send in returns of the state of their affairs as required by their Acts.<sup>18</sup>

(600)

The House, according to Order, resolved itself into a Committee on the Bill to incorporate the College of Monnoir; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Casault reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Casault reported the Bill accordingly; and the amendments were read, and agreed to.<sup>19</sup>

Ordered, That the Bill be read the third time To-morrow.

The Order of the day for the second reading of the Bill to ascertain and determine the power of the Trustees of the Quebec Turnpike Roads, and for other purposes, being read;

Ordered, That the Bill be read a second time on Thursday the eighth day of March next.

The Order of the day for the second reading of the Bill to incorporate the Corresponding Committee at Montreal of the Colonial Church and School Society, being read;

Ordered, That the Bill be read a second time on Tuesday next.

The Order of the day for taking into consideration the Report of the Select Committee appointed to enquire into and report upon the means of publishing and obtaining a correct and impartial Report of the Debates of this House, being read;

Ordered, That the said Order of the day be postponed until Tuesday next.

The Order of the day for the second reading of the Bill to legalize certain transactions and to alter the tenure of Indian Lands in the Township of Durham, being read;

Ordered, That the Bill be read a second time on Thursday next.

MR. FELTON moved that the House should go into committee on the Bill for preventing the traffic in Liquor.<sup>20</sup>

MR. AT. GEN. DRUMMOND suggested that, as the House was still thin, and the bill an important one, the order should be postponed till to-morrow fortnight,<sup>21</sup> [OR] huit jours,<sup>22</sup> till more of the Upper Canada Members were present.<sup>23</sup>

MR. FELTON dit qu'il regrette de ne pouvoir se rendre à la proposition de M. Drummond, parce que cette mesure est depuis si longtemps devant le public, qu'il faut enfin en finir.<sup>24</sup> He thought they should go into committee now, and leave the third reading for a full house.<sup>25</sup>

MR. COM. CR. LANDS CAUCHON hoped the honourable mover would be induced to postpone the ... been made on the Bill by the Temperance Committee, and he would like more time to be given to members to consider them.<sup>26</sup> [Il] soutient la proposition de M. Drummond, parce qu'il ne connaît pas les détails de ce bill, et qu'il faut que l'exécutif en prenne connaissance.<sup>27</sup>

MR. SOL. GEN. D. ROSS also urged a postponement of the order.<sup>28</sup>

MR. FELTON persisted in pressing it, and said the amended bill had been printed and in the hands of members for the last three months, surely ample time for all to consider its provisions.<sup>29</sup>

MR. POST. GEN. SPENCE said the second reading of the Bill had been carried by 97 to 5, the largest vote given this session, and showing (sic) an over-

whelming majority in favour of the principle of the Bill. (Hear, hear) After the expediency of adopting a Prohibitory Liquor Law had been so strongly affirmed by this House, he could not understand why his hon. colleagues should ask further delay. He trusted that hon. members who had voted for the second reading would now be found faithful to their obligations.<sup>30</sup>

MR. AT. GEN. J.A. MACDONALD.--Don't you wish you may get it?<sup>31</sup>

MR. POST. GEN. SPENCE said he did hope that both the honorable Attorney-General and the honorable Premier would vote for the Order of the Day being proceeded with. If the present bill did not quite come up to their ideas, let them put forth their influence and substitute a more stringent measure. (Hear, hear, and laughter.)<sup>32</sup>

DR. CLARKE, as one of the majority of the 97, said he had not intended by voting for the second reading to pledge himself to the principle of the bill.<sup>33</sup>

MR. PRES. EX. COUN. MACNAB denied that the principle of the bill was affirmed in the vote taken before the adjournment.<sup>34</sup> [He] said his hon. friend, the Postmaster-General knew very well that according to the rules of this House, a bill could not be referred till it had been read a second time, and, if his recollection served him rightly, the reason why so large a vote was given for the second reading was<sup>35</sup> not as affirming the principle of the bill,<sup>36</sup> [but] to allow the bill to be referred to a committee. He would not like it to be understood that there had been a vote of 97 to 5 in favour of the bill as it now stood, and he hoped the gentleman in charge of it would not proceed with the order in the circumstances of the case.<sup>37</sup>

(600)

*The Order of the day for the House in Committee on the Bill to prevent the traffic in Alcoholic and Intoxicating Liquors, being read;*

*And the Question being put, That Mr. Speaker do now leave the Chair; the House divided: and the names being called for, they were taken down, as follow:--*

(600-601)

YEAS.

Messieurs Aikins, Bell, Bellingham, Biggar, Blanchet, Bourassa, Brodeur, Bureau, Chapais, Church, Cooke, Cook, Crawford, DeLong, DeWitt, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Dufresne, Felton, Octave C. Fortier, Frazer, Gill, Gould, Hartman, Jackson, Jobin, John S. Macdonald, Roderick McDonald, Mackenzie, McCann, Masson, Meagher, Munro, Poulin, Pouliot, Powell, Prévost, Rolph, Scatcherd, Shaw, Solicitor General Smith, Somerville, Southwick, Spence, Stevenson, Taché, Valois, Wilson, and Wright.--(51.)

(601)

NAYS.

Messieurs Alleyn, Casault, Cauchon, Cayley, Chauveau, Clarke, Attorney General Drummond, Foley, Fournier, Laberge, Lemieux, Attorney General Macdonald, Sir A.N. MacNab, Angus Morrison, Robinson, Solicitor General Ross, Thibaudeau, and Turcotte.--(18.)

*So it was resolved in the Affirmative.*<sup>38</sup>

MR. MACKENZIE moved that, as the honorable member for Prince Edward (Mr. Stevenson) was asleep while the vote was being taken, the resolution be read to him, and permission given to him to vote. (Laughter.)<sup>39</sup>

The name of Mr. Stevenson ... [was] added to the Yeas<sup>40</sup>.

The House then went into Committee on the bill<sup>41</sup>.

MR. SOL. GEN. H. SMITH suggested that, after this should be adopted, the committee should rise. He had voted for going into committee, because he was a sincere supporter of the bill, and wished to see the orders of the House carried out<sup>42</sup>. It was proper that the House should take up the orders as they came before it. But the Bill, as it now stood, was so framed, that it could not be acceptable even to the friends of Prohibition.<sup>43</sup> There were many clauses which the House he was sure would not pass<sup>44</sup>. He, therefore, asked the House, having given its assent to the principle by assenting to the first clause of the Bill, to postpone its further consideration<sup>45</sup>, till more members arrived.<sup>46</sup>

MR. FELTON consented to this arrangement, desiring only to have a good law with the principle of prohibition in it.<sup>47</sup>

MR. TURCOTTE.--Je dis et je maintiens que vous voulez faire une loi de tempérance qui ne réussira jamais, car malgré toutes vos lois, vous n'établirez pas la tempérance. Vous réussirez tout au plus à donner envie de boire à ceux qui n'y pensent pas. Vous voulez passer une loi qui n'atteindra que les pauvres, tandis que les riches continueront à boire leur champagne et leurs vins de prix. Il faut aussi que le peuple ait son petit coup d'appétit le matin. Je crois qu'il y a des membres de cette Chambre qui prendront leur vin, tandis que leurs électeurs en seront privés.<sup>48</sup> He had seen the hon. member for Haldimand (Mr. Mackenzie) in such a state, that he required support to enable him to walk straight.<sup>49</sup> Je suis en faveur de la tempérance, mais il faut qu'elle soit établie par la persuasion morale, et non de force. Si vous défendez par une loi l'usage des boissons enivrantes, vous verrez que cela aura l'effet d'augmenter le goût de la boisson parmi le peuple. On sait que la première femme a mangé de la pomme parce qu'elle était défendue; si elle ne l'eût pas été, elle n'y eût jamais pensé. Votre loi aura le même effet et produira plutôt l'ivrognerie que la tempérance.<sup>50</sup>

MR. MACKENZIE assured the honorable gentleman that he was quite mistaken as to the facts of the case. On the occasion referred to, it was the late hon. Commissioner of Public Works who required assistance in the way mentioned, and he (Mr. Mackenzie) had lent him his arm. He was opposed, however, to any such personalities being introduced in this House.<sup>51</sup> If the Public Works Commissioner did want support, there was no reason members should tell of it.<sup>52</sup> [He] complained of a gentleman who could talk French so fluently, retailing scandal about gentlemen taking a horn in private. (laughter.)<sup>53</sup>

MR. COM. CR. LANDS CAUCHON.--But people ought not to obtain credit with the country for being temperance men while they were really acting themselves in a different capacity, especially as more consistent persons were constantly depreciated.<sup>54</sup>

MR. LARWILL conceived the House degraded itself by imitating Yankee legislation, and especially by individual members affecting to be different from what they were.<sup>55</sup> People generally throughout the province could not imagine for a moment that the gentleman who had introduced this bill drank wine himself. Yet he had drunk it frequently and abundantly in his (Mr. Larwill's) presence. (Laughter.) But because he introduced a bill of this sort the impression went abroad that the hon. member for Sherbrooke county must surely be a great philanthropist.<sup>56</sup> He despised the hypocrisy which would permit a man, who, while enjoying himself such luxuries as this bill went to prohibit, came forward to



lay down rules as to what other people should eat and drink.<sup>57</sup> If liquor were really so evil a thing, why was there an exception in the bill in favor of its use for the holiest of purposes. Could the vilest thing be the element of the most holy observance?<sup>58</sup> The bill was altogether anti-British, and the great mass of the people were opposed to it.--They would quite lose their character in England if they passed such a stupid bill as this to rob each other of their rights. It was well known that it could never be carried, and it was only brought up to please a parcel of old women and silly children.<sup>59</sup> The petitions which were brought before this House were a farce. They all knew how such petitions were got up.<sup>60</sup> It was said that the measure had been largely petitioned for, but the reason of this was that pretty and amiable girls were always selected to carry round the petitions, and it was no wonder that they got a parcel of simple men and boys to sign them. They were told that 70,000 of the inhabitants had petitioned for it.--But 80,000 of the inhabitants, through the most appropriate channel, their township and county councils, had petitioned this Parliament to prevent colored immigration, and their petition had received no attention. When, however, a set of girls ran round the country villages and got a parcel of people who could neither read nor write to sign their names, then it was said that the whole province was wanting the measure. The whole thing was a humbug from beginning to end.<sup>61</sup>

MR. DUFRESNE in French replied to the arguments of Mr. Turcotte and Mr. Larwill.<sup>62</sup> L'hon. membre pour Kent (M. Larwill) nous dit qu'on ne pourrait s'occuper de cette question sans nous dégrader; mais il dit en même tems que c'est le voeu populaire, et nous devons nous en occuper. Je pense bien qu'il sera encore fait usage de boissons fortes après la passation de ce bill, mais lorsqu'il s'agit de voter une mesure aussi importante, il ne faut pas reculer, et nous devons faire notre devoir. La masse du peuple demande une loi comme celle-ci, et il faut de toute nécessité faire une loi pour empêcher l'intempérance. Nous ne devons regarder qu'à la morale publique, et cette loi tendra efficacement à arrêter l'usage des boissons fortes, malgré qu'elle sera transgressée.<sup>63</sup>

MR. TURCOTTE said it was now difficult to get a license in the country; but that did not stop drinking and it was well known that the very worst drinking was that carried on sllily with closed doors. He referred to the example of Christ, who took wine, and thought he need not be above following that example.<sup>64</sup>

The clause was then adopted by a majority of 45 to 25<sup>65</sup>.

(601)

*The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Taché reported, That the Committee had made some progress, and directed him to move for leave to sit again.*

*Ordered, That the said Committee have leave to sit again on Monday the twelfth day of March next, and be then the first Order of the day.*

*The Honorable Sir Allan N. MacNab, one of Her Majesty's Executive Council, rose in his place, and acquainted Mr. Speaker and the House, that His Excellency the Governor General will receive this House with its Address of Congratulation, To-morrow at four o'clock, P.M., at the Government House.*

*Then, on motion of the Honorable Mr. Attorney General Drummond, seconded by the Honorable Sir Allan N. MacNab,*

*The House adjourned.* <sup>66</sup>



APPENDIX: 27 FEBRUARY 1855.

[NOTICE OF MOTION RE: BILL FOR UNIVERSAL SUFFRAGE.]

MR. HUOT [donne avis que] jeudi prochain [il fera motion pour un] Bill pour établir le suffrage universel dans les élections des membres du parlement provincial.<sup>67</sup>

[NOTICE OF MOTION RE: BILL TO ESTABLISH VOTE BY BALLOT.]

MR. HUOT [donne avis que] lundi prochain [il fera motion pour un] Bill pour établir le vote au scrutin dans les élections des membre[s] pour le parlement provincial.<sup>68</sup>

[NOTICE OF MOTION RE: BILL TO FACILITATE THE REDEMPTION OF LODS ET VENTES IN SHERRINGTON.]

MR. BUREAU [donne avis que] lundi prochain [il fera motion pour un] Bill pour permettre aux habitants de Babyville, dans le township de Sherrington de se racheter de certaines rentes foncières dont leurs terres sont grevées.<sup>69</sup>

[NOTICE OF MOTION RE: BILL ON REGISTERS OF BAPTISMS, ETC., IN MONTREAL'S CATHOLIC CHURCHES.]

MR. A. DORION (Montréal) [donne avis que] le 12 mars prochain [il] présentera un bill pour permettre qu'il soit tenu des registres de baptême, mariages et sépultures dans les différentes églises catholiques de la ville et paroisse de Montréal.<sup>70</sup>

[NOTICE OF MOTION RE: BILL ON RIGHTS OF SUPERIOR COURT JUDGES.]

MR. A. DORION (Montréal) [donne avis que] le 12 mars prochain [il] présentera un bill pour faire disparaître tout doute sur le droit des juges de la cour supérieure de présider aux enquêtes dans les causes appelables pendantes devant la cour de circuit.<sup>71</sup>

[NOTICE OF MOTION FOR RESOLUTIONS TO ABOLISH CAPITAL PUNISHMENT.]

MR. HUOT [donne avis que] jeudi prochain [il] fera motion pour des Résolutions pour abolir des exécutions capitales dans la province du Canada.<sup>72</sup>

[NOTICE OF MOTION FOR SECOND READING OF LOWER CANADA MUNICIPAL BILL.]

MR. AT. GEN. DRUMMOND annonce que son bill municipal sera lu pour la seconde fois mardi prochain<sup>73</sup>.

[NOTICE OF QUESTION RE: AMENDMENTS TO SEIGNIORIAL TENURE BILL.]

MR. JOBIN [donne avis que] mercredi prochain [il] demandera au gouvernement si c'est son intention d'introduire durant la présente session des amendements au bill seigneurial, et si c'est son intention, quels sont ces amendements.<sup>74</sup>

FOOTNOTES: 27 FEBRUARY 1855.

1. GLOBE, 6 March 1855.
2. IBID.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. TORONTO DAILY LEADER, 6 March 1855.
10. GLOBE, 6 March 1855.
11. TORONTO DAILY LEADER, 6 March 1855.
12. GLOBE, 6 March 1855.
13. Scrapbook Hansard (27 February 1855).
14. GLOBE, 6 March 1855.
15. TORONTO DAILY LEADER, 6 March 1855.
16. GLOBE, 6 March 1855.
17. IBID.
18. IBID.
19. According to the report in TORONTO DAILY LEADER, 6 March 1855, "The committee passed all the clauses of the bill without amendment." GLOBE, 6 March 1855, also reports that "... the committee reported the bill without amendment."
20. TORONTO DAILY LEADER, 6 March 1855.
21. GLOBE, 6 March 1855.
22. LE PAYS, 3 March 1855.
23. TORONTO DAILY LEADER, 6 March 1855.
24. LE PAYS, 3 March 1855.
25. GLOBE, 6 March 1855.
26. GLOBE, 6 March 1855. The ellipsis represents illegible words.
27. LE PAYS, 3 March 1855.
28. GLOBE, 6 March 1855.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. TORONTO DAILY LEADER, 6 March 1855.
35. GLOBE, 6 March 1855.
36. TORONTO DAILY LEADER, 6 March 1855.
37. GLOBE, 6 March 1855.
38. The division as reported in many of the newspapers differs from the JOURNALS. GLOBE, 6 March 1855, and LE PAYS, 3 March 1855, report it as Yeas, 50; Nays, 18. Telegraph (HAMILTON SPECTATOR, 28 February 1855), LE PAYS, 1 March 1855, PILOT, 28 February 1855, and Telegraph (MONTREAL GAZETTE, 28 February 1855), report it as 49; 18. MORNING CHRONICLE, 28 February 1855, reports it as 48; 18 and TORONTO DAILY LEADER, 6 March 1855, reports it as 49; 14.
39. GLOBE, 6 March 1855.
40. IBID.
41. IBID.

43. TORONTO DAILY LEADER, 6 March 1855.
44. Scrapbook Hansard (27 February 1855).
45. TORONTO DAILY LEADER, 6 March 1855.
46. Scrapbook Hansard (27 February 1855).
47. IBID.
48. LE PAYS, 3 March 1855.
49. GLOBE, 6 March 1855.
50. LE PAYS, 3 March 1855.
51. GLOBE, 6 March 1855.
52. Scrapbook Hansard (27 February 1855).
53. TORONTO DAILY LEADER, 6 March 1855.
54. Scrapbook Hansard (27 February 1855).
55. IBID.
56. GLOBE, 6 March 1855.
57. TORONTO DAILY LEADER, 6 March 1855.
58. Scrapbook Hansard (27 February 1855).
59. GLOBE, 6 March 1855.
60. TORONTO DAILY LEADER, 6 March 1855.
61. GLOBE, 6 March 1855.
62. IBID.
63. LE PAYS, 3 March 1855.
64. Scrapbook Hansard (27 February 1855).
65. GLOBE, 6 March 1855.
66. GLOBE, 6 March 1855, reports: "The House then adjourned at 6 o'clock."
67. LE PAYS, 6 March 1855.
68. IBID.
69. IBID.
70. IBID.
71. IBID.
72. IBID.
73. LE PAYS, 3 March 1855.
74. LE PAYS, 6 March 1855.

WEDNESDAY, 28 FEBRUARY 1855.

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MR. SPEAKER laid before the House, Statement respecting the Jesuits' Estates, to the 31st January, 1855, furnished pursuant to the directions of the 5th Sec. 16 Vic. cap. 163.

For the said Statement, see Appendix (V.)

The Sergeant-at-Arms attending this House, informed the House, that he had taken William Frederick Powell, Esquire, into his custody.

Whereupon Mr. Terrill acquainted the House, that he was desired by Mr. Powell to state, That his absence from the Select Committee on the Montmagny Election Petition on Monday the twenty-sixth instant, occurred from his being unaware of the Committee having adjourned to a day so immediately following the re-assembling of Parliament; and the same having been verified upon Oath by Mr. Powell;

Ordered, That William Frederick Powell, Esquire, be discharged out of custody.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Jean Baptiste Eric Dorion,--The Petition of L.E. Dubord and others, Censitaires, of the Parish of Champlain, County of Champlain; and the Petition

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of the Reverend David Dunkerly and others, of Durham, County of Drummond.

By Mr. Patrick,--The Petition of Samuel Gemmill and others, of Augusta, County of Grenville; and the Petition of Francis Scott and others, of Central Augusta.

By Mr. Terrill,--The Petition of Wilder Pierce and others, Directors of the Stanstead Seminary; and the Petition of the Reverend Abiel Moulton and others, of the Township of Stanstead, County of Stanstead.

By the Honorable Mr. Chauveau,--The Petition of P.L. Giroux and others, of the County of Quebec; and the Petition of the Municipal Council of the County of Quebec.

By Mr. Masson,--The Petition of John Stephens and others, Electors of the County of Argenteuil.

By Mr. Holton,--The Petition of the Right Reverend the Lord Bishop of Montreal, President of the Committee of the National School Society; and the Petition of J.G. Glennon and others, Merchants and Traders of the City of Montreal.

By Mr. Mackenzie,--The Petition of James Marshall, of Youngstown; the Petition of John Montgomery, of the City of Toronto, Innkeeper; and the Petition of G. Arundel Hill, of Dummer.

By Mr. Fournier,--The Petition of B. Pouliot and others, of the Parish of L'Islet, County of L'Islet; and the Petition of the Reverend F.X. Delâge and others, of the Parish of L'Islet.

By Mr. Cooke,--The Petition of John A. Cameron and others, of the Township of Lochaber, County of Ottawa.

By Mr. Guévremont,--The Petition of E.W. Carter and others, of the Borough of William Henry.

Pursuant to the Order of the day, the following Petitions were read:--

Of Thomas Parke and others, Shipowners, Forwarders, and Merchants; praying for the construction of double Locks on the Welland Canal.



Of the Town Council of the Town of Woodstock; of the Town Council of the Town of Perth; of the Town Council of the Town of Peterborough; of the Town Council of Picton; of the Town Council of Goderich; and of the Town Council of Chatham; praying for certain amendments to the Municipal and Assessment Acts of Upper Canada.

Of the Municipal Council of the United Counties of York and Peel; praying for amendments to the Jury Law of Upper Canada, and the passing of a Prohibitory Liquor Law.

Of Holland Landing Division, No. 107, of the Order of the Sons of Temperance; of Andrew Ralston and others, of the Township of Augusta; of Stewart Herron and others, of the Township of Augusta; of John L. Wood and others, of the Township of Augusta; of the Municipal Council of the United Counties of Lanark and Renfrew; and of the Municipal Council of the County of Elgin; praying for the passing of a Prohibitory Liquor Law.

Of Jacob Hespeler and others, of the Village of Preston, County of Waterloo; praying that Jacob Hespeler may be authorized to construct a dam or breakwater on the Grand River, at or near the said Village of Preston.

Of William Armstrong, Clerk of the Peace of the County of Grey; praying for an annual Salary in lieu of Fees.

Of Michel Allard and others, of the County of Yamaska; praying for certain amendments to the Seigniorial Act of 1854.

Of the Hamilton Mercantile Library Association; praying for aid.

Of the Reverend Robert R. Burrage; praying indemnity for certain losses sustained by him in behalf of education in the City of Quebec.

Of the Municipal Council of the County of Rimouski, No. 1; praying that the

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Bill to reform the Municipal system of Lower Canada, and to establish County, Parish, and Township Municipalities therein, may not become Law.

Of the Reverend C. Dufour and other[s], of St. Zotique, District of Montreal; praying aid for the continuation of a wharf or pier.

Of Simeon Ashley and others, of the Township of Huntingdon; praying aid for Roads and Bridges.

Of D. Macfarlane and others, of the Township of Elgin; praying certain amendments to the Municipal Law of Lower Canada.

Of the North Shore Railroad Company; praying that the Provincial guarantee may be extended to the said Railroad, or that an aid may be granted to enable them to construct the same.

Of William Anderson, Chairman, and Robert Middlemiss, Secretary, on behalf of the School Commissioners of the Municipality of Hinchinbrooke, County of Huntingdon; praying for an increase of the Government Grant to Elementary Schools.

Of the Reverend P. Bédard and others, of the Counties of Napierville and Laprairie; complaining that they have suffered great injustice from the amalgamation of the Montreal and New York and Champlain and St. Lawrence Railroads, whereby the operations of the former Railroad have ceased altogether, to the most serious injury of the public; and praying that the House will not give a legal sanction to the said amalgamation.

Of W. McKay and others, of Sherrington, latterly Babyville, setting forth; that they hold their lands on certain conditions from the Estate of the late Honorable François Baby, which they were unable to comply with, owing to the many co-heirs to the Estate, and the absence of one authorized agent into whose hands they could pay their rents; and praying for a Law to empower them to liquidate the capital of the said rent, calculated on the legal interest of six per cent.

Of the Corporation of the College of Ste. Anne de la Pocatière; praying for aid to enlarge the said College.

Of the Municipal Council of the United Counties of Lanark and Renfrew; praying for the revision of the Statutes.

Of the Municipal Council of the United Counties of Lanark and Renfrew; praying for certain amendments to the Jury Law of Upper Canada.

Of F. MacDonnell, Esquire, and others, Members of the Committee of the Eye and Ear Institution, and others, of Montreal; praying aid for the said Institution.

Of Ovide Le Blanc, Esquire, and others, Members of the Benevolent Society of Notre Dame de Bonsecours, of Montreal; praying for an Act of Incorporation.

Of the Municipal Council of the County of Elgin; praying that the Bill to amend the Charter of the Port Burwell Harbour may become a law.

Of the Municipal Council of the County of Elgin; praying for certain amendments to the Municipal Loan Fund Act of Upper Canada.

On motion of Mr. Felton, seconded by Mr. Solicitor General Smith,

Ordered, That the further consideration of the receiving of the Petition of Charles Benedict and others, Electors of the County of Argenteuil, and the Petition of Lemuel Cushing, Esquire, Merchant, of the Township of Chatham, County of Argenteuil, be postponed until Wednesday next.

MR. FELTON moved the postponement of their reception, as they had not been presented in time. He cited an English precedent to show that the delay prescribed by statute having elapsed during the vacation, those petitions should have been presented on the first day of the reassembling of Parliament.<sup>1</sup>

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At the hour appointed, Mr. Speaker and the House attended upon His Excellency the Governor General, with their Address of Congratulation.

And being returned; Mr. Speaker reported, That the House had attended upon His Excellency with their Address of Congratulation, to which His Excellency was pleased to make the following Answer:--

Mr. Speaker and Gentlemen of the Legislative Assembly.

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I thank you very sincerely for the Address of Congratulation which you have just presented to me, and I receive with much pleasure the renewed assurance of your attachment to Her Majesty's Person and Government.

Ordered, That the Petition of the Reverend P. Bédard and others, of the Counties of Napierville and Laprairie, be referred to the Standing Committee on Railroads, Canals and Telegraph Lines.

Ordered, That the said Petition be printed for the use of the Members of this House.

On motion of Mr. Fergusson, seconded by Mr. Clarke,

Ordered, That the Select Committee on the Quebec Election Petitions have leave to adjourn till Tuesday the thirteenth day of March next, at Ten o'clock in the forenoon.

Mr. Laberge, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Montmagny, informed the House, That James Ross and John P. Crysler, Esquires, Members of the Committee, were not present within one hour after the time appointed for the meeting of the said Committee this day.

*Ordered, That the Petition of the Town Council of the Town of Woodstock; the Petition of the Town Council of the Town of Perth; the Petition of the Town Council of Peterborough; the Petition of the Town Council of Picton; the Petition of the Town Council of Goderich; and the Petition of the Town Council of Chatham, be referred to the Select Committee to which was referred the Petition of the Town Council of Brockville.*

*Ordered, That the Petition of the Municipal Council of the United Counties of York and Peel, and the Return from the Toronto Gaol accompanying the said Petition, be referred to the Select Committee on Temperance.*

*On motion of the Honorable John Sandfield Macdonald, seconded by Mr. Wilson, Resolved, That an humble Address be presented to His Excellency the Governor General, for a Copy of the Report made by Mr. Jarvis, the Engineer employed to survey the proposed Caughnawaga Canal from the St. Lawrence to the River St. John's, together with the account of the cost and expenses attending such survey as submitted by the said Engineer.*

*Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.<sup>2</sup>*

On motion of honourable MR. J.S. MACDONALD (Glengarry)<sup>3</sup>,

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*Resolved, That an humble Address be presented to His Excellency the Governor General, for copies of all memorials and letters addressed to the Government before and since the eighteenth of December last, by the Clergy of the Churches of England, Scotland, and Rome, and by the British Wesleyan Methodist Church, for Indian Missions in this Province, and the Bodies representing the same respectively, or any or either of them, including any Schedule or List of the names of the Stipendiaries claiming a right to stipends or allowances, or to a Commutation of the same under the terms of the Act passed on the eighteenth of December last, intituled, "An Act to make better provision for the appropriation of money arising from the Lands heretofore known as the Clergy Reserves, by rendering them available for Municipal purposes," together with the replies of*

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*the Government thereto, including copies of any Orders of Council touching such Commutation.*

*Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.*

On motion of MR. ROBINSON, an address was ordered for a copy of the report of A.C. Buchanan, Esq., on the subject of Emigration; also, for despatches or other correspondence between her Majesty's Imperial Government and the Government of this Province on the subject of withdrawing the troops from Canada, and providing for the defence of the Province for the future; and also a copy of the report of the Commissioners on the subject of the militia and the defence of the Province.<sup>4</sup>

MR. PRES. EX. COUN. MACNAB said that all such despatches had already been laid before the House, and laid the report of the Commissioners on the table.<sup>5</sup>

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*On motion of the Honorable Mr. Robinson, seconded by Mr. Crawford, Resolved, That an humble Address be presented to His Excellency the Governor*



General, praying that His Excellency will be pleased to lay before this House, a copy of the Report of A.C. Buchanan, Esquire, on the subject of Emigration.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, copies of any Despatches or other Correspondence between Her Majesty's Imperial Government and the Government of this Province, on the subject of withdrawing the Troops from Canada and providing for the defence of the Province for the future, and also a copy of the Report of the Commissioners on the subject of the Militia, and defence of the Province.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

The Honorable Sir Allan N. MacNab, one of Her Majesty's Executive Council, presented, by command of His Excellency the Governor General,--Report of the Commissioners appointed to investigate and report upon the best means of re-organizing the Militia of Canada, and upon an improved system of Police.

For the said Report, see Appendix (X.X.)

Ordered, That five hundred copies of the said Report be printed in each of the English and French Languages for the use of the Members of this House.

It being now six o'clock, MR. HINCKS moved that the House do adjourn till to-morrow.<sup>6</sup>

MR. POULIOT urged strongly that the House should meet again in the evening, and proceed with business.<sup>7</sup>

MR. HINCKS explained that the reason for the short sittings at the commencement of this second portion of the session, was that members were not ready with business to take up.<sup>8</sup>

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The Honorable Mr. Hincks moved, seconded by Mr. Aikins, and the Question being put, That this House do now adjourn; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Alleyn, Bellingham, Blanchet, Brodeur, Cayley, Church, Clarke, Cooke, Cook, DeLong, DeWitt, Dionne, Attorney General Drummond, Felton, Thomas Fortier, Octave C. Fortier, Frazer, Gould, Hincks, Lemieux, Macbeth, Attorney General Macdonald, Roderick McDonald, Sir A.N. MacNab, McCann, McKerlie, Matheson, Angus Morrison, Munro, O'Farrell, Rhodes, Robinson, Solicitor General Ross, Shaw, Solicitor General Smith, Somerville, Southwick, Spence, Terrill, and Turcotte.--(41.)

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NAYS.

Messieurs Bell, Bureau, Casault, Chapais, Chauveau, Jean B. Daoust, Jean B.E. Dorion, Dostaler, Dufresne, Foley, Fournier, Galt, Gill, Guévremont, Hartman, Holton, Huot, Jackson, Labelle, Laberge, Laporte, Lumsden, John S. Macdonald, Mackenzie, Marchildon, Masson, Mattice, Patrick, Poulin, Pouliot, Powell, Prévost, Rolph, Thibaudeau, Valois, Wilson, Wright, and Young.--(58.)<sup>9</sup>

So it was resolved in the Affirmative.

And the House adjourned accordingly.



APPENDIX: 28 FEBRUARY 1855.

[NOTICE OF QUESTION RE: COMMON SCHOOLS.]

MR. J. DORION (Drummond et Arthabaska) [donne avis que] vendredi prochain [il demandera] si c'est l'intention du ministère d'augmenter l'aide provinciale pour le soutien des écoles communes pour l'année 1855, et si c'est le cas, dans quelle proportion?<sup>10</sup>

[NOTICE OF QUESTION RE: PUBLIC EDUCATION.]

MR. LABERGE [donne avis que] vendredi prochain [il] demandera au gouvernement, si c'est son intention de proposer, durant cette session, une nouvelle loi, sur l'instruction publique et une augmentation de la subvention accordée jusqu'à présent?<sup>11</sup>

[NOTICE OF QUESTION RE: JUSTICES OF THE PEACE.]

MR. LABERGE [donne avis que] vendredi prochain [il] demandera au ministère, si c'est son intention de proposer une mesure, soit pour rendre les juges de paix électifs, directement par le peuple, ou soit pour pourvoir à ce qu'ils soient nommés par le gouvernement, seulement sur pétition des électeurs de chaque localité à cet effet.<sup>12</sup>

[WITHDRAWN MOTION RE: SALE OF INTOXICATING LIQUORS IN THE HOUSE.]

MR. PATRICK then moved the following resolution:--"That the sale of spirituous liquors be disallowed on the premises occupied by this branch of the Legislature."<sup>13</sup>

MR. SICOTTE the SPEAKER said that at present the refreshment rooms were shut up, and no liquors sold. Perhaps therefore the resolution might be considered unnecessary.<sup>14</sup>

MR. PATRICK said he was not aware whether liquor was sold now, but it was well known that it was sold very abundantly last session on the basement story. The House having affirmed the principle of a Prohibitory Liquor Law by so large a majority, they should take care not to stultify themselves in the eyes of the public, who looked to them for practice as well as precept.--Being one of the committee of three appointed by the House to make arrangements as to the refreshment room, he had thought it necessary to bring forward this motion, that they might know how to act in regard to the continuing or discontinuing the sale of spirituous liquors<sup>15</sup>; but the public naturally were of opinion that the votes were buncombe so long as the scenes which sometimes took place were continued.<sup>16</sup>

MR. PRES. EX. COUN. MACNAB hoped the motion would be withdrawn. It would be a very unseemly thing that it should appear on the journals of the House.<sup>17</sup> La Chambre aura l'air d'être une auberge dont les membres ont besoin de se modérer par une loi expresse.<sup>18</sup> The mover, and the honorable member for North York (Mr. Hartman), as members of the committee referred to, had the control of the matter in their own hands, and did not require a direct resolution of the House.<sup>19</sup>

MR. PATRICK having expressed his willingness to withdraw the motion,<sup>20</sup>

MR. HARTMAN objected. It might be unseemly for such a resolution to appear on the journals of the House, but other things might be more so<sup>21</sup>. It was more

unseemly that the conduct of members, during the first part of the session, had been such as to necessitate such a resolution as the present.<sup>22</sup> This House had declared by a large majority, twice over, that the traffic in intoxicating drinks tended to demoralize the people and ought to be suppressed. If that was the case, why should they not begin at home in carrying out the principle? The thing was talked of not only here but throughout the country, and it was alleged that surely the Canadian Legislature could not be sincere in legislating with a view to prohibiting the traffic in intoxicating drinks, while it was tolerated in the very precincts of their own hall. If it was right to prohibit it throughout the country, they should begin by prohibiting it on their own premises. He hoped the motion, therefore, would not be withdrawn.<sup>23</sup>

MR. ROBINSON.--M. l'Orateur nous a dit hier qu'il avait décidé que la buvette serait fermée; ainsi je pense qu'il est inutile d'en parler aujourd'hui, d'autant plus qu'il y a un comité qui doit veiller à cette affaire.<sup>24</sup> If the motion was pressed he hoped the House would show their sense of its impropriety by voting it down.<sup>25</sup>

MR. HOLTON said it was proper that the House should offer such an expression of opinion as would indicate to the refreshment committee how they should act.<sup>26</sup> [He] suggested that if there would be any unseemliness in such a resolution appearing on their records, it could easily be avoided by an understanding being come to that the committee should have power to exclude liquor from the premises.<sup>27</sup> J'insisterai sur la mise aux voix de la motion.<sup>28</sup>

MR. DUFRESNE [spoke] ... in favor of the motion<sup>29</sup>.

MR. LABERGE.--Cette proposition, quoique secondaire, est amenée devant la Chambre par certains membres qui cherchent à faire compromettre d'autres membres, mais pour ma part je ne crains pas de voter contre la motion. Tant que la loi du pays sera telle qu'elle est aujourd'hui, je ne vois pas pourquoi nous n'en aurions pas le bénéfice. On ne peut pas dire que la Chambre s'est prononcée en faveur d'une loi prohibitive, et nous n'avons pas non plus l'opinion du pays. Je dirai plus tard mon opinion sur cette loi, mais pour le moment je dois dire que la majorité ne peut pas forcer la minorité à être tempérante malgré elle, et que par conséquent la Chambre doit rejeter cette motion.<sup>30</sup>

MR. POWELL said that there was no better proof that the whole proceedings connected with this measure, including the large majority of 97 to 5 for the second reading, were "bunkum," than the introduction of this motion. The hon. members for North York and Leeds (sic) (Messrs. Hartman and Patrick) had been authorized by the House to arrange the system under which the refreshment room should be conducted, and had full power, therefore, to exclude liquors if they chose. It did not satisfy them, however, that the thing should be quietly done away with, but they must needs parade their temperance zeal before the public by bringing in this motion.<sup>31</sup> The member for North York had stated that the public did not believe that the majority of members were sincere in voting for a Prohibitory Liquor Bill when they continued to allow drink to be sold within the walls of the House. He believed that the public were justified in that opinion.<sup>32</sup> It would be discreditable to this the highest body in the land to pass such a resolution, which virtually said, that they were unable to place a proper restraint on their own appetites. When the Liquor Law was formerly under discussion, he was one of the minority of five who voted against its second reading, but its principle having been then affirmed, he was one of the majority who

voted yesterday for its going into committee of the whole. That majority, however, would not have been so large, had not some of the members believed that the bill would be burked in the Upper House, as he hoped it would be, if it was not effectually finished in this.<sup>33</sup>

MR. HINCKS denied that the vote on the Maine Law was a bumcombe (sic) one.<sup>34</sup> He considered that that vote was perfectly justifiable.<sup>35</sup> [He], as one of the majority of 97 for the second reading, denied that the vote affirmed the principle of the bill, which it was well known that he for one was strongly opposed to.<sup>36</sup> No one could deny that there was a very strong public opinion, in the country, in favor of such a measure. And, such being the case, he thought that even those who disapproved of the principle of the bill were perfectly consistent in giving such a vote as would allow the bill to come before a committee, in order that the measure might receive full consideration.<sup>37</sup> It was but natural, therefore, that this bill, which was introduced about the same time, should be referred to the same committee, although even the friends of the measure, as the honorable member for Lambton (Mr. Brown) declared that this particular bill was stamped with absurdity. The bill could not be referred till it was read a second time, and the result of throwing out the bill would have been to have got rid of the subject at once and altogether, which would not have been treating fairly and courteously the large number of persons who had petitioned for a Prohibitory Law. This was the reason for the large majority that had been alluded to.<sup>38</sup> On the occasion when the Fisheries Bill came before the House of Lords, Lord Derby voted for the second reading of that measure precisely on the grounds on which he (Mr. Hincks) had given his assent to the second reading of this measure. As to his views on the subject of what is called a Maine Law, they were well known.<sup>39</sup> He (Mr. H.) was satisfied that to carry out a law like the Maine Law was utterly impracticable. He had been in the State of Maine a few weeks ago, and had seen quite enough to convince him that the whole thing was an absurdity. And so satisfied were the promoters of the law, even in Maine, that it was inoperative, that he understood they were now proposing to bring in another law which would actually make it a crime, punishable by being sent to the State Prison, not to sell spirituous liquors, but for one gentleman in his own house to offer a glass of wine to a friend. If they once commenced to interfere with the natural rights of the people, it would be a very difficult thing to know where to stop.<sup>40</sup>

MR. POST. GEN. SPENCE, notwithstanding the remarks which had fallen from Mr. Hincks, was still of opinion that to vote for the second reading of the bill, was to affirm its principle. He hoped Mr. Patrick's motion would not be withdrawn, unless there was a general understanding that what it aimed at would be accomplished without passing a formal resolution. Whatever honorable gentlemen might think of the indecency of putting such a resolution on the journals, there was a greater fear of allowing indecency of a worse description, for he did not hesitate to say that there had been scenes in the lower part of this House--although he did not assert that members had taken part in them--which would be disgraceful to any community.<sup>41</sup> Il est important qu'elles ne se renouvellent pas.<sup>42</sup>

MR. JACKSON did not think the motion was at all derogatory to the character of the House. Its object was simply to prevent the intrusion of strangers who were chargeable with the disorderly scenes that had occurred.<sup>43</sup> [He] made some remarks on the general question of temperance which were inaudible in the Reporters' Gallery.<sup>44</sup>



MR. PRES. EX. COUN. MACNAB explained that he did not vote for the second reading of the prohibitory bill with a view of affirming the principle of prohibition. He had before explained that he gave the vote merely to allow the bill to go before a Committee.<sup>45</sup>

MR. J.S. MACDONALD (Glengarry) said that, independently (sic) of that vote altogether, the proceedings of yesterday had clearly shown that, in the opinion of a large majority of this House, such a bill ought to pass. (Hear, hear.) He, for one, should do all he could to assist its passage. At the same time, he did not think it fair, in advance of the law, to withdraw from honorable members constituting the minority, privileges which had always been accorded to this House.<sup>46</sup> While in favor of a prohibitory liquor bill, [he] would oppose this motion.<sup>47</sup>

MR. AT. GEN. DRUMMOND said he was, from principle, opposed to a prohibitory liquor bill, but he should be willing to see the sale of liquors put a stop to within the walls of the House. It would be an inconvenience to be deprived of a Refreshment Room, but it could be none to dispense with the use of spiritous liquors. It might be better, however, if the matter could be regulated without putting such a resolution on the journals of the House.<sup>48</sup>

MR. MACKENZIE was surprised that the hon. member for Renfrew, knowing how large a majority had voted for the bill, and how popular it was with his old constituency, which had backed him up so long, should still speak of it as impracticable.<sup>49</sup> [He] commended the Government for the manly way in which they treated the question of prohibition. If they would act in the same way in other questions they would deserve his support. He admired the manly way in which the gallant knight stuck to his principles. He admired, too, the way in which the Postmaster General stood up for his principles on the floor of this House--the principles which he had advocated in the country before he came into this House. He (Mr. Mackenzie) was strongly in favor of a prohibitory bill. It was demanded by the country.<sup>50</sup> He (Mr. M.) approved of the motion now before the House. There was a gross impropriety in having the representation of the people of Upper and Lower Canada founded on a whiskey-shop, where a lot of people kept drinking away right under the Speaker's chair. (Hear, hear.)<sup>51</sup> But he did confess, that when he lately attended a cold-water dinner in honor of the member for North York, he did, after the dinner was over, take one small horn down stairs to keep up his spirits. (Loud laughter.)<sup>52</sup>

MR. POULIOT se [prononce] contre la motion, parce qu'elle est inutile, en autant qu'il n'y a plus de buvette dans la chambre et que la vente des boissons n'a jamais été autorisée, mais seulement tolérée.<sup>53</sup>

MR. MARCHILDON supported the motion.<sup>54</sup>

MR. TURCOTTE warmly opposed it, characterizing it as "disgraceful and impertinent." (Order!) Gentlemen might cry order, but he would repeat the words that it was an impertinent motion.<sup>55</sup>

MR. HOLTON called the hon. gentlemen to order for using such language.<sup>56</sup>

MR. TURCOTTE said the hon. member did not understand French, and might as well keep quiet.<sup>57</sup>

MR. HINCKS.--The words are not so strong in French as in English.<sup>58</sup>

MR. TURCOTTE proceeded with his remarks against the motion, and urged that it should be thrown out.<sup>59</sup>



MR. PATRICK said he was quite willing to withdraw the motion on the understanding that the Committee would be permitted to exclude intoxicating liquors.<sup>60</sup>

Cries of "Yes!" "No!"<sup>61</sup>

MR. TURCOTTE.--Let there be an understanding that members shall be allowed to take their grog, when the member for Haldimand (Mr. Mackenzie) makes a six hours' speech. (Laughter.)<sup>62</sup>

MR. HOLTON hoped that there would be a clear understanding, before the motion was withdrawn, that liquors should be excluded. (Hear, hear.) Apart altogether from the question of the Maine Law, on considerations of decency and propriety, they should exclude liquor from these premises.<sup>63</sup> [He] said the business of the House was on more than one occasion disturbed by the noises in the Refreshment Room, and steps should be taken for preventing such scenes from occurring again.<sup>64</sup>

MR. YOUNG said he was opposed to a Maine Law, and believed it would be utterly impossible to prevent importation. The only effect of the law would be to add to drinking the crime of smuggling. Intemperance, he conceived, would be better checked to regulate the duties, so as to encourage the importation of wines, and discourage that of strong drinks. At present, they took the opposite course of charging enormous duties on wines<sup>65</sup> of 200 per cent.<sup>66</sup> that did not intoxicate, while they admitted whiskey at 2d a gallon.<sup>67</sup> He should oppose the motion before the House.<sup>68</sup>

The resolution was then ... withdrawn.<sup>69</sup>

[REJECTED PETITION OF ELECTORS AT ST. ANDREW'S COUNTY MEETING RE: ELECTIONS.]

The petition of the electors at the St. Andrew's county meeting, was rejected as conveying a censure on the conduct of an election committee and the House of Assembly.<sup>70</sup>

FOOTNOTES: 28 FEBRUARY 1855.

1. TORONTO DAILY LEADER, 1 March 1855.
2. TORONTO DAILY LEADER, 1 March 1855, GLOBE, 1 March 1855, and all other newspapers which report this motion, state that the Report by Mr. Jarvis was on the proposed Champlain Canal. The Index to the JOURNALS also names the proposed canal as the Champlain Canal, and not the Caughnawaga Canal as is written on page 604 of the JOURNALS.
3. GLOBE, 6 March 1855.
4. TORONTO DAILY LEADER, 1 March 1855.
5. IBID.
6. GLOBE, 6 March 1855.
7. IBID.
8. IBID.
9. GLOBE, 6 March 1855, reports this division as "42 to 37" which differs from the JOURNALS.
10. LE PAYS, 6 March 1855.
11. IBID.
12. IBID.
13. GLOBE, 6 March 1855.
14. IBID.
15. IBID.
16. Scrapbook Hansard (28 March 1855).
17. GLOBE, 6 March 1855.
18. LE PAYS, 3 March 1855.
19. GLOBE, 6 March 1855.
20. IBID.
21. IBID.
22. TORONTO DAILY LEADER, 8 March 1855.
23. HAMILTON SPECTATOR, 10 March 1855.
24. LE PAYS, 3 March 1855.
25. GLOBE, 6 March 1855.
26. TORONTO DAILY LEADER, 8 March 1855.
27. GLOBE, 6 March 1855.
28. LE PAYS, 3 March 1855.
29. GLOBE, 6 March 1855.
30. LE PAYS, 3 March 1855.
31. GLOBE, 6 March 1855. The GLOBE, 6 March 1855, and HAMILTON SPECTATOR, 10 March 1855 (which copies the GLOBE), report that Mr. Hartman, of North York, and Mr. Patrick, of Leeds, had been authorized by the House to arrange the system under which the refreshment room should be conducted. Both newspapers err here since Mr. Patrick represented the constituency of Grenville South.
32. TORONTO DAILY LEADER, 8 March 1855.
33. GLOBE, 6 March 1855.
34. Scrapbook Hansard (28 March 1855).
35. TORONTO DAILY LEADER, 8 March 1855.
36. GLOBE, 6 March 1855.
37. TORONTO DAILY LEADER, 8 March 1855.
38. GLOBE, 6 March 1855.
39. TORONTO DAILY LEADER, 8 March 1855.
40. GLOBE, 6 March 1855.

41. IBID.
42. LE PAYS, 3 March 1855.
43. GLOBE, 6 March 1855.
44. TORONTO DAILY LEADER, 8 March 1855.
45. IBID.
46. GLOBE, 6 March 1855.
47. TORONTO DAILY LEADER, 8 March 1855.
48. IBID.
49. GLOBE, 6 March 1855.
50. TORONTO DAILY LEADER, 8 March 1855.
51. GLOBE, 6 March 1855.
52. TORONTO DAILY LEADER, 8 March 1855.
53. LE PAYS, 3 March 1855. Contrary to LE PAYS, 3 March 1855, GLOBE, 6 March 1855, reports: "Mr. Pouliot and Mr. Marchildon supported the motion." Mr. Pouliot's comment in LE PAYS, 3 March 1855, was inserted in the text with the assumption that the French newspaper is most likely to report the French speaker accurately.
54. GLOBE, 6 March 1855.
55. IBID.
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. IBID.
63. IBID.
64. TORONTO DAILY LEADER, 8 March 1855.
65. GLOBE, 6 March 1855.
66. TORONTO DAILY LEADER, 8 March 1855.
67. GLOBE, 6 March 1855.
68. TORONTO DAILY LEADER, 8 March 1855.
69. GLOBE, 6 March 1855.
70. TORONTO DAILY LEADER, 1 March 1855.

THURSDAY, 1 MARCH 1855.

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MR. Speaker laid before the House the Accounts of the Trinity House of Quebec for the year ending 31st December, 1854.

For the said Accounts, see Appendix (X.)

The following Petitions were severally brought up, and laid on the table:--

By Mr. Chisholm,--The Petition of Aaron Oliphant and others, of the Counties of Halton, Peel, and York; the Petition of Thompson Smith and others, of the Counties of Halton, Peel, and York; the Petition of Alexander Brown and others, of the Township of Esquesing, County of Halton; and the Petition of the Municipality of the Village of Caledonia.

By Mr. Jean Baptiste Eric Dorion,--The Petition of S.J. LeBlanc, of La Baie du Febvre, Teacher.

By Mr. Turcotte,--The Petition of Antoine Guay, of the Parish of Malbaie, Yeoman; the Petition of Louis Lavoie, of the Parish of Les Eboulements, Notary; and the Petition of John McLaren, of the Parish of St. Fidèle, County of Saguenay.

By Mr. Fergusson,--The Petition of Alfred A. Baker and others, Clerks of the Division Courts in the County of Wellington.

By Mr. Somerville,--The Petition of Sidney W. Gillett, of the Town of Constable, State of New York, Merchant.

By Mr. Fournier,--The Petition of the Reverend T.H. Delâge and others, School Commissioners, and others, of the Municipality of the Parish of L'Islet.

By the Honorable Mr. Cauchon,--The Petition of the Reverend Antoine Gosselin and others, of the Island of Orleans and other places.

By the Honorable Mr. Cameron,--The Petition of Thomas Williams, Trustee, and others, Members of the First Colored Calvinist Baptist Church of Toronto.

By Mr. Ferres,--The Petition of the Right Reverend the Lord Bishop of Montreal and others, Trustees of the Diocesan School at St. John's, Lower Canada.

By the Honorable Mr. Young,--The Petition of Jacques Viger, Esquire, President and the Very Reverend A.F. Truteau, Secretary, on behalf of the Association of the School of St. Jacques, Montreal.

Pursuant to the Order of the day, the following Petitions were read:--

Of Thomas Coates and others, of the Township of Edwardsburgh; of David S. Steele and others, of the Township of Augusta; and of the Municipality of the Township of Stamford; praying for the passing of a Prohibitory Liquor Law.

Of J.H. Pope and others, of the Township of Eaton, District of St. Francis; praying for an aid in behalf of the High School at Cookshire, in the said Township.

Of the Reverend Jean Baptiste St. Germain, of the Parish of St. Laurent,

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Island of Montreal; praying for an aid in behalf of La Communauté des Soeurs de Ste. Croix in the said Parish.

Of the Reverend Jean Baptiste St. Germain, of the Parish of St. Laurent, Island of Montreal; praying for an aid in behalf of L'Académie Industrielle in the said Parish.

Of Thomas Davis and others, of the Township of Dudswell, in the District of St. Francis; praying for an aid to make a Road from the Town Line of Dudswell to the Town of Sherbrooke, for a Bridge across the St. Francis River, and also for a Registry Office in the said Township.



Of E. Short, Esquire, and others, of the Town of Sherbrooke and vicinity; praying for an Act of Incorporation for the Literary Institute of Sherbrooke, and also for an aid to complete the said Institution.

Of H. Hall and others, of Dudswell and other Townships, County of Wolfe, District of St. Francis; praying for the passing of an Act to establish a new Circuit in the District of St. Francis, under the name of "The Wolfe Circuit."

Of Edouard Tremblay, Notary, residing in the Parish of St. Etienne dite (sic) de La Malbaie, in the County of Saguenay, and in the District of Quebec; setting forth: That by a Resolution of the House of Assembly, dated the 29th November last, the Petitioner was required and cited to appear at the Bar of the House on Thursday the 1st March then next ensuing, to answer for his conduct as Deputy Returning Officer for the said Parish of St. Etienne dite (sic) de La Malbaie at the last Election, save one, for the said County of Saguenay: That [the] Petitioner found himself obliged to allow all votes to be received by his Poll-Clerk, as they were given at the Poll, except those which were objected to by the Candidate, Mr. Langlois, for the following reasons: 1. Because he knew with certainty that the electors of the said Parish were under the impression that Mr. Huot, the Candidate whom they supported, was sure of a majority of legal votes over Mr. Langlois, the opposite Candidate, to secure his proclamation as Member of Parliament, if, as they said, his election was not surreptitiously stolen from him by fraudulent voting on the part of Mr. Langlois' partizans, who were the same individuals that had supported Dr. Laterrière at his last election, at which he was opposed by the Parish of La Malbaie, and others, bringing forward the late Dr. Harvey as a Candidate, and who then voted legally, as will be proved by the Poll-books of La Malbaie and other Parishes, which supported Dr. Harvey; but that the partizans of Dr. Laterrière (the Malbayans always maintain) had taken possession of most of the Polls in the present County of Chicoutimi, and of that of Les Eboul[e]ments, and given a considerable number of fraudulent votes, so that instead of several hundred votes which the Malbayans expected as a legal majority in favor of their Candidate Harvey, at his proclamation, to their great surprise, Dr. Laterrière was elected by a still larger majority of votes legally taken than that by which they the Malbayans expected the late Dr. Harvey to be elected, and that therefore they were firmly and resolutely determined, as they declared, not to allow themselves to be so cheated again out of the election of their Candidate: 2. That about half-past one in the afternoon on the first day of the Poll, the said electors of La Malbaie having understood by a letter, that the people of Les Eboul[e]ments had driven off the Candidate Huot or his Agent, and had taken possession of the Poll, became very angry, and Mr. Langlois forthwith offered to leave the Poll, and retired: 3. That from that moment, Mr. Huot's Agent repeatedly intimated to the Petitioner that he was not competent himself to make any objection, and had no right to make any; that, according to the tenor of the law of 1849, all objections to the voters and requisitions must be made by the Candidate, or his Agent in person, and not otherwise, under a penalty of Ten pounds for each voter objected to or sworn by the Deputy Returning Officer, in cases where no objection was previously made to voters by the Candidate or his Agent: 4. That the Petitioner thus finding his hands tied, on the one hand, by the law, which unfortunately did not then allow the Deputy Returning Officer to

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object or administer the oath of himself to the voters, (the same being defective in that particular, inasmuch as the House has supplied the deficiency, no doubt for sufficient reasons, by a special amended Act on that very subject in

the month of December last,) and, on the other hand, by the resolute determination of the Electors of La Malbaie, there present at the Poll, who were unanimous, not to allow themselves, as they said, to be cheated out of their election by the others; the Petitioner was under the firm persuasion, as he still is, that no single individual on earth could then have prevented them from acting as they were inclined to act: wherefore the Petitioner was, of necessity, compelled to allow all votes to be received by his Clerk, although with the greatest repugnance, and against his own free-will, and although he had himself, at the opening of the Poll, well and duly read the principal Sections of the Law relating to the obligations of voters, to good order, to the qualification required in respect of property and age in order to be entitled to vote, and those which enact penalties for any infraction of the Law: That the Petitioner having been since informed that the Election has been contested before the House, that he ought to have made a special return of the votes so given, or have entered them under protest, the Petitioner having found nothing in the Law giving any idea of such a course, having never either seen or heard till then of any precedent, and so being entirely ignorant of those matters, he was then under the impression that, by the Laws enabling Candidates to complain of a fraudulent Election, the Candidate alone had the right of bringing a complaint concerning these matters before the House or a Committee thereof, and of citing the Deputy Returning Officer to give evidence of the truth of their allegations, and that the Petitioner would then be authorized to declare what had passed within his knowledge: That the Petitioner is in the firm belief that no Court of Justice, no Judge sitting on the Bench, and, more than all, no Legislative Body, could bring in a verdict of guilty against a person who has infringed--violated no Law, or condemn him for not having done what the Law did not at the time prescribe to be done by him in the execution of his duty, still less for the fault of others committed after due warning, in a case in which they persisted in violating the Law in opposition to the feelings and opinions of the Petitioner then unable to prevent the offence; That although the Petitioner never had an intention to act in any way in contravention of the Law, and against the privileges of the House, yet nevertheless if it is the opinion of the House that he has acted in contravention of the Law, and against the prerogatives and privileges of the House, the Petitioner humbly tenders an apology therefor; and praying the House to accept the same, and in consideration of the above allegations, to acquit him of the charges brought against him.

Mr. Wilson, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the United Counties of Drummond and Arthabaska, presented to the House the Final Report of the said Committee; which was read, as followeth:--

Your Committee met this morning at the hour of Ten o'clock, pursuant to adjournment; and the Agent of the Petitioner having appeared before the Committee and stated, that the Petitioner in this case would not further prosecute his Petition; it was therefore,

Resolved, That Jean Baptiste Eric Dorion, Esquire, the Sitting Member for the United Counties of Drummond and Arthabaska was duly elected and returned for the said United Counties; and that by consent of the Petitioner and the Sitting Member, no costs be claimed on the part of the Sitting Member.

Mr. Laberge, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the

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County of Montmagny, informed the House, That James Ross and John P. Crysler, Esquires, Members of the Committee, were not present within one hour after the time appointed for the meeting of the said Committee, this day.

Mr. Crawford, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the East Riding of the County of Brant, informed the House, That John William Gamble, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, this day.

Ordered, That John William Gamble, Esquire, do attend in his place in this House To-morrow.

Mr. Hartman, from the Standing Committee on Standing Orders, presented to the House the Nineteenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of Jacob Hespeler and others, of the Village of Preston, County of Waterloo, and find (sic) that sufficient Notice has been given.

They have also examined the Petition of Ovide Le Blanc and others, for incorporation of the Benevolent Society of Notre Dame de Bonsecours of Montreal, and are of opinion that it is not of such a nature as to require the publication of Notice.

Ordered, That the Petition of W. McKay and others, of Sherrington, latterly Babyville, be printed for the use of the Members of this House.

Ordered, That Mr. Clarke have leave to bring in a Bill to authorize the construction of a Dam or Breakwater over the Grand River, at or near the Village of Preston, County of Waterloo.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

CAPT. RHODES moved to refer the petition relative to the judicial conduct of the honourable Mr. Justice Aylwin to a Select Committee, composed of Messrs. Gamble, Church, Masson, Thibaudeau and the mover. The honourable member read the petition referred to in this motion, which accused Judge Aylwin of various acts of intemperance, alleging that he had taken his seat on the bench in a state unfitting him for the discharge of his judicial duties at Three-Rivers, Sherbrooke, and Quebec, and on one occasion when there was a trial of a person named Munro for<sup>1</sup> murder<sup>2</sup>. La pétition expose aussi plusieurs autres griefs très graves.<sup>3</sup> The petition was signed by Messrs. Gagy, Pope, Irvin, and other two (sic) members of the Quebec bar, and prayed for the dismissal of Justice Aylwin from his office.<sup>4</sup> The petitioners were not all known to him; but three of them were, and he knew that they were men not likely to come forward with such charges unless they had good reason to believe that they could substantiate them. After remarking that he had been prevented from proceeding last fall from the informality of the petition which he then presented on the subject, he proceeded to say that the course he now desired to adopt was founded on the precedent furnished by the case of Judge Allen,<sup>5</sup> of the District of London,<sup>6</sup> in which case Mr. Aylwin was one of the committee. The petitioners against Judge Allen had had many obstacles thrown in their way by the Government of that day; but after some time the Government had to dismiss that Judge. He expected, too, that obstacles would be thrown in his way by the Government of this day<sup>7</sup>, and



it was his (Mr. Rhodes') impression, that it was the desire of the Ministry to prevent any inquiry. The course provided by the last Act securing the independence of judges, was that it should be lawful for the Governor General to remove any judge on the address of the Legislative Assembly and Legislative Council. A two-thirds vote was not at all necessary, as some appeared to imagine.<sup>8</sup>

MR. AT. GEN. DRUMMOND denied that the Government had any wish to throw obstacles in the way of an inquiry, but when they found that the petition proceeded from only five members of a bar consisting of two or three hundred, they considered that they should be very cautious as to instituting the proceedings asked for. He should oppose the motion also, because he considered that if a judge of the land, one too who had rendered such distinguished services to his country, was to be put upon his trial, he should be tried before the whole House, and not before a small committee. (Hear, hear.) The petition also was not sufficiently explicit as to the time, place, and circumstances of the alleged misconduct, to warrant so grave an inquiry being entered into.<sup>9</sup> They had therefore opposed the proceeding which the Member for Megantic had endeavored to take last session<sup>10</sup>. He was surprised that the petitioners could have expected anything else.<sup>11</sup> They had asked that Judge Aylwin should be suspended, when they ought to have known that such a course was illegal.<sup>12</sup> As lawyers they must have known that it was entirely beyond the power of the executive to dismiss any judge.<sup>13</sup> But the Government, moreover, should feel justified, even if it should be shown that Judge Aylwin's conduct had been improper, to proceed in the manner suggested by the mover. It would be proper, when sufficient information was laid before the Government that the trial should be a public one,<sup>14</sup> to give the gentleman accused an opportunity of replying, as the lowest criminal might do<sup>15</sup>. In the meantime, no specific or reliable charge was before the Government.<sup>16</sup> La chambre ne peut adopter la motion de l'hon. membre, car ce serait exposer tous les juges à de semblables vexations de la part de quelques individus mécontents.<sup>17</sup>

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*Mr. Rhodes moved, seconded by Mr. Thibaudeau, and the Question being put, That the Petition of A. Gogy, Esquire, and other Members of the Bar of Lower Canada, Section of the District of Quebec; praying for an investigation into the conduct of the Honorable Thomas C. Aylwin, one of the Judges of the Court of Queen's Bench for Lower Canada, with a view to his removal from the said Office, be referred to a Select Committee, composed of Mr. Gamble, Mr. Church, Mr. Masson, Mr. Thibaudeau, and the Mover, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records; the House divided:--And it passed in the Negative.*<sup>18</sup>

*The Honorable Mr. Cayley, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency the Governor General, signed by His Excellency.*

*And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth:--*

*Edmund Head,*

*The Governor General transmits to the Legislative Assembly an Estimate of Sums required for the maintenance of the Provincial Lunatic Asylum at Toronto, for the past and present year; and in conformity with the provisions of the 57th Clause of the Union Act, he recommends this Estimate to the Legislative Assembly.*



Government House,  
Quebec, 1st March, 1855.

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Estimate of the Amount required for the support of the Provincial Lunatic Asylum in Canada West, viz:--

For the unprovided Expenditure of 1854 .....	£ 1,640	19	6
For the year 1855 .....	12,359	0	6
	<hr/> £14,000 0 0		

Inspector General's Office,  
Quebec, 1st March, 1855.

Wm. Cayley,  
Inspector General.

On motion of MR. MACKENZIE<sup>19</sup>,

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Ordered, That the Clerk do call upon all Public Officers, Corporations and Commissioners, who, by the Order of this House, of the fourteenth of September last, were required to make certain Returns, either according to Law, or agreeable to the Orders of this House, and who appear, by a List furnished by the Clerk, on the twelfth of December last, not to have complied with the said Order, and have not since done so, directing them, respectively, to supply the House with the said Returns forthwith, and that the information so required, may be supplied to as late dates as shall be within the power of such Commissioners, Corporations, and Public Officers.

Ordered, That Mr. Casault have leave to bring in a Bill to amend the Act for the encouragement of Building Societies in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Fournier have leave to bring in a Bill in relation to the Retrait Lignager (lineal redemption) in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday the ninth instant.

The Order of this House, of Wednesday, the twenty-ninth day of November last, for the appearance of John McLaren, late Deputy Returning Officer for the Parish of St. Fidèle, Michael McCarty, late Deputy Returning Officer for the Parish of St. Urbain, Antoine Guay, late Deputy Returning Officer for the Parish of Ste. Agnès, Louis Lavoie, late Deputy Returning Officer for the Parish of Les Eboulements, and Edouard Tremblay, late Deputy Returning Officer for the Parish of St. Etienne, in the said County, respectively, at the Bar of this House, on the first day of March instant, each severally to answer for his conduct as such Deputy Returning Officer at the last Election for the County of Saguenay, being read;

The Serjeant-at-Arms attending this House reported, That a copy of the said Order had been served upon the above named Deputy Returning Officers, and that they were then in attendance at the Bar of the House, in obedience thereto.

MR. PRES. EX. COUN. MACNAB said he considered the proper course was to read to the parties at the bar the report of the Saguenay election committee, and then allow them some days to prepare their answer. He moved therefore that the report be now read.<sup>20</sup>

MR. FOLEY would not oppose the motion, but might be allowed to express his surprise that it should proceed from the gallant knight, when they remembered the pertinacity with which on the first night of the session the gallant knight refused the member for Bagot (Mr. Timothy Brodeur) any time whatever to make up his mind to reply to the questions put to him. (Hear, hear, and laughter.)<sup>21</sup>

MR. FERRES said that this was a different case, as the parties now at the bar did not desire delay merely to enable them to answer whether their name was John Smith or Peter Jones. He thought the remark of the honorable member for Waterloo might have been spared.<sup>22</sup>

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*On motion of the Honorable Sir Allan N. MacNab, seconded by Mr. Solicitor General Smith,*

*Ordered, That the Final Report of the Select Committee on the Saguenay Election Petition be now read:--And the same being read;*

*The said Deputy Returning Officers were ordered to withdraw.*

*On motion of Mr. Angus Morrison, seconded by Mr. Felton,*

*Resolved, That the said Deputy Returning Officers be allowed until Monday next for the purpose of preparing their respective defences to the alleged charges mentioned in the Report of the Select Committee on the Saguenay Election Petition, adopted by this House on the seventeenth day of November last.*

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*The said Deputy Returning Officers were again called to the Bar, and acquainted by Mr. Speaker of the preceding Order of the House.*

*And then they again withdrew.*

*The Order of the House of Monday last, for the attendance of James Ross and John P. Crysler, Esquires, in their places in this House this day, being read;--And Mr. Ross and Mr. Crysler not attending in their places;*

*Ordered, That the 84th Section of "The Election Petitions Act of 1851" be now read:--And the same being read;*

*Ordered, That James Ross and John P. Crysler, Esquires, being Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Montmagny, and not having been present within one hour after the time appointed for the meeting of the Committee on Monday last, be taken into the custody of the Serjeant-at-Arms attending this House, for such neglect of duty.*

*A Bill to amend the Act incorporating the Brockville and Ottawa Railway Company, was, according to Order, read the third time.*

*Resolved, That the Bill do pass.*

*Ordered, That Mr. Crawford do carry the Bill to the Legislative Council, and desire their concurrence.*

*A Bill to incorporate the College of Monnoir, was, according to Order, read the third time.*

*Resolved, That the Bill do pass, and the Title be, "An Act to incorporate the Collège de Monnoir."*

*Ordered, That Mr. Poulin do carry the Bill to the Legislative Council, and desire their concurrence.*

*The Order of the day for the second reading of the Bill to amend the Acts to secure the Independence of Members of the Legislative Assembly, being read;*

*Ordered, That the Bill be read a second time on Monday next.*

The Order of the day for the second reading of the Bill for the relief of Merchants, Traders, and others, being read;

Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the second reading of the Bill to authorize the formation of Railroad Corporations, and to regulate the same, being read;

Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the second reading of the Bill to amend the Municipal Corporations Act, being read;

Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the second reading of the Bill to vest in Edward Shortis, of Toronto, Esquire, the Road or Concession Allowance between Lots Numbers fifteen and sixteen in the sixth Concession of the Township of Thora, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to amend an Act passed in the sixteenth year of Her Majesty's Reign, intituled, "An Act to amend

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and consolidate the several Acts for the formation of Joint Stock Companies for the construction of Roads and other works in Upper Canada," being read;

Ordered, That the Bill be read a second time on Thursday the fifteenth instant.

The Order of the day for the second reading of the Bill to amend the Act, intituled, "An Act to provide for the better organization of Agricultural Societies in Lower Canada," being read;

Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the House in Committee on the Bill to amend the Toronto Esplanade Act, being read;

MR. CAMERON moved that the order of the House in committee on the bill to amend the Toronto Esplanade Act be discharged, and that the bill be referred to the standing committee on private bills, with a view to the adjustment of one or two points on which there was a dispute between the water-lot owners and the Corporation of the city of Toronto. He understood that the member for North Simcoe (Mr. Morrison) was prepared with evidence to be laid before the committee on behalf of the water-lot owners.<sup>23</sup>

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Ordered, That the said Order of the day be discharged.

Ordered, That the Bill be referred back to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to amend the Act to abolish the right of Primogeniture, and to afford relief to parties succeeding to the real estate of persons dying intestate in certain cases in Upper Canada, being read;

Ordered, That the Bill be read a second time on Monday next.

MR. CAMERON moved the second reading of the bill to incorporate the Canadian Order of Odd Fellows. The object of the order, he said, was entirely charitable, and he could not conceive any objection on the part of any member of the House to the bill becoming law.<sup>24</sup>

MR. MACKENZIE said he knew nothing against the order, and there might be a great deal of good in it. But he was opposed to giving special incorporations to persons whose system was not understood by the whole world.<sup>25</sup> The order was a secret, though, he believed, a benevolent society, and he thought it very probable that persons might get power by such bodies and turn it to account to obtain political, religious, or other unjust ascendancy.<sup>26</sup> He saw no necessity for any secrecy or oath in the constitution of a benevolent society.<sup>27</sup>

MR. CAMERON said that the Order of Oddfellows had no oath.<sup>28</sup>

(612)

*The Order of the day for the second reading of the Bill to incorporate the Canadian Order of Odd Fellows in connection with the Manchester Unity, being read;*

*The Honorable Mr. Cameron moved, seconded by Mr. Crawford, and the Question being put, That the Bill be now read a second time; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Aikins, Bell, Biggar, Cameron, Cayley, Chisholm, Church, Clarke, Crawford, Jean B. Daoust, DeWitt, Jean B.E. Dorion, Attorney General Drummond, Ferres, Flint, Foley, Fournier, Frazer, Hartman, Jackson, LeBoutillier, Lumsden, Macbeth, John S. Macdonald, Sir A.N. MacNab, McCann, McKelvie, Motherhead, Angus Morrison, Murney, Patrick, Polette, Poulin, Powell, Robinson, Solicitor General Ross, Sanborn, Scatcherd, Shaw, Solicitor General Smith, Spence, Terrill, Wilson, Wright, and Young.--(45.)*

NAYS.

*Messieurs Blanchet, Brodeur, Bureau, Cauchon, Chauveau, Cook, DeLong, Desaulniers, Thomas Fortier, Gould, Huot, Labelle, Laberge, Laporte, Lemieux, Mackenzie, Munro, O'Farrell, Pouliot, Prévost, and Southwick.--(21.)<sup>29</sup>*

*So it was resolved in the Affirmative.*

MR. CAMERON having next moved a future day for the House going into committee on the bill,<sup>30</sup>

MR. AT. GEN. DRUMMOND took the opportunity of explaining that he had voted for the second reading, because he understood it to be simply a benevolent society. Had it been a secret society, he would have voted against it.<sup>31</sup>

MR. CAMERON repeated that it was purely a benevolent society, and that there was no oath<sup>32</sup>--nothing but affirmations.<sup>33</sup>

MR. MACKENZIE--Is it not a secret society with grips, &c.?<sup>34</sup>

MR. COM. CR. LANDS CAUCHON being opposed to all secret societies, would vote against this, now he understood the question, which he had not done when he voted in the ayes. If he were not permitted, therefore, to alter his name, he would call for the yeas and nays now on the reference.<sup>35</sup>

MR. POST. GEN. SPENCE confirmed Mr. Cameron's remarks. The order had no political objects to accomplish. It merely required such declarations from the members as secured secrecy.<sup>36</sup>

MR. POWELL said the only secrets were such as were necessary to enable the members to recognize each other.<sup>37</sup> The secrecy was only intended to guard against deception.<sup>38</sup> He was astonished to see the bill opposed by a large section of the Lower Canadian members, when day after day the House was called upon



to vote incorporations to their bodies, under the name of Sisters of Charity, Christian Brothers, and so forth, which were less for the benefit of the community than this.<sup>39</sup>

MR. MACKENZIE.--I go against the whole of them. (Hear, hear.)<sup>40</sup>

MR. FERRES thought the society not a secret one; but would prefer all these societies to be incorporated under a general act.<sup>41</sup>

(612)

*The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.*

*The Order of the day for the second reading of the Bill to explain the Act 16 Vic. cap. 184, being read;*

(613)

*Ordered, That the Bill be read a second time on Tuesday next.*

*The Order of the day for the second reading of the Bill to provide for the appointment of Crown Prosecutors in the Counties of Upper Canada, being read;*

*Ordered, That the Bill be read a second time on Monday next.*

*The Order of the day for the second reading of the Bill to give Mechanics and others a lien on buildings for work done by them to or upon the same, being read;*

*Ordered, That the Bill be read a second time on Wednesday next.*

*The Order of the day for the second reading of the Bill to increase the Jurisdiction of the County Courts in Upper Canada, and for other purposes therein mentioned, being read;*

*Ordered, That the Bill be read a second time on Thursday next.*

*The Order of the day for the second reading of the Bill to amend the Act of last Session to extend the provisions of an Act empowering certain Municipal Councils to take Shares in certain Railroad Companies, being read;*

*Ordered, That the said Order of the day be discharged.*

*The Order of the day for the second reading of the Bill to incorporate the Oakville and Arthur Railway Company, being read;*

*The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.*

*The Order of the day for the second reading of the Bill to amend the Provincial Statute, 25 Geo. 3, cap. 2, being read;*

*Ordered, That the Bill be read a second time on Thursday next.*

*The Order of the day for the second reading of the Bill to explain and amend an Act of the Parliament of this Province, passed in the sixteenth year of Her Majesty['s] Reign, intituled, "An Act to repeal certain Duties of Excise so far as regards Upper Canada, and to vest certain powers in the Municipal authorities of that part of the Province," being read;*

*Ordered, That the Bill be read a second time on Tuesday next.*

MR. CAMERON moved that the order of the day for the House in committee on the bill to amend the Criminal Law be discharged, and that the said bill be referred again to the Special Committee on Criminal Law, with the view of still further maturing the measure.<sup>42</sup>

(613)

*The Order of the day for the House again in Committee on the Bill to amend the Criminal Law of Canada, being read;*

*Ordered, That the said Order of the day be discharged.*

*Ordered, That the Bill be referred back to the same Select Committee to which it was originally referred.*

*The Order of the day for the second reading of the Bill to amend the Act to extend the Elective Franchise, being read;*

*Ordered, That the said Order of the day be discharged.*

*The Order of the day for the second reading of the Bill to repeal in part an Act passed in the sixteenth year of Her Majesty's Reign, intituled, "An Act to provide a remedy against the Corporation of the City of Quebec, in case of injury to property by any mob, or during riots in the said City:" being read;*

MR. FERRES, who had charge of the bill, said he was willing the matter should be taken up along with Mr. Alley's bill for amending the incorporation of Quebec.<sup>43</sup>

(613)

*Ordered, That the Bill be read a second time on Thursday next.*

(614)

*The Order of the day for the second reading of the Bill to amend the Act 14 & 15 Vic. cap. 96, to facilitate the performance of the duties of Justices of the Peace, being read;*

*Ordered, That the Bill be read a second time on Monday the twelfth instant.*

MR. FELTON moved the second reading of the bill to amend the Act establishing the Bureau of Agriculture, and explained that the effect of the bill was to change the mode of electing the members of the Bureau.<sup>44</sup>

MR. CAMERON.--Does it make any change in the head of the Agricultural Bureau? (Laughter.)<sup>45</sup>

MR. FELTON.--Not at all.<sup>46</sup>

MR. J.S. MACDONALD (Glengary) asked if the Government consented to the strange course of allowing a private member to bring in a bill changing a system, which was under their own control, and against which no petitions had been presented.<sup>47</sup>

MR. AT. GEN. J.A. MACDONALD said the bill did not affect the Bureau itself, but merely the county associations which elected the members of the Bureau.<sup>48</sup>

After some further conversation, the motion was agreed to, and the bill read a second time.<sup>49</sup>

(614)

*The Order of the day for the second reading of the Bill to amend the Act establishing a Bureau of Agriculture, and consolidating the Laws relating to Agriculture, being read;*

*The Bill was accordingly read a second time; and referred to the Select Committee appointed to inquire into the State of Agriculture in Lower Canada.*

*The Order of the day being read, for resuming the adjourned Debate upon the Amendment which was, on Wednesday the eighth day of November last, proposed to be made to the proposed Amendment to the Question, That an humble Address be*

presented to His Excellency the Governor General, representing to His Excellency that, in the opinion of this House, the time has arrived when a different and much more satisfactory arrangement may be made as regards the place of convening Parliament, than at present exists: That the present system of alternate Parliaments is inconsistent with proper regard to the economical expenditure of public money, uncalled for by the necessities of the country, injurious to the preservation and methodical arrangement of the Public Archives and Library, and productive of great inconvenience and injustice to permanent Officers in the Public Departments; and that the same ought to be changed, and a permanent place selected for the assembling of Parliament, suited, as far as possible, to the convenience of all sections of the Province; and which proposed Amendment was, That all the words after "That" to the end of the Question be left out, and the words "it is inexpedient to interfere with the arrangement in regard to the Seat of Government adopted by this House in 1849, and re-affirmed in 1851" inserted instead thereof; and which Amendment to the said proposed Amendment was, That the words "and that in accordance with that arrangement the Public Departments should be removed to Toronto in 1855" be added at the end thereof;

Ordered, That the said Order of the day be postponed until Monday the twelfth instant.

The Order of the day for the second reading of the Bill to legalize certain transactions and to alter the tenure of Indian Lands in the Township of Durham, being read;

Ordered, That the Bill be read a second time on Monday next, and be then the third Order of the day.

The Order of the day for the second reading of the Bill to amend the Act 14 & 15 Vic. cap. 105, intituled, "An Act to amend the Act incorporating the Members of the Medical Profession in Lower Canada, and to regulate the study and practice of Physic and Surgery therein, to afford relief to certain persons who were in practice as Physicians and Surgeons in this Province at the time when the said Act became Law," being read;

Ordered, That the Bill be read a second time on Wednesday next.

The Order of the day for the House in Committee on the Bill to improve the Law relating to Betterment, being read;

Ordered, That the said Order of the day be postponed until Monday the twelfth instant.

The Order of the day for the House again in Committee on the Bill to incorporate the Saint Francis Bank, being read;

(615)

Ordered, That the said Order of the day be postponed until Tuesday the thirteenth instant.

The Order of the day for the House in Committee on the Bill to incorporate certain persons under the style and title of the President, Directors, and Company of the Fort Erie Canal Company, being read;

Ordered, That the said Order of the day be postponed until Wednesday the fourteenth instant.

The Order of the day for the second reading of the Bill to incorporate the Town of Sorel, being read;

Mr. Jean Baptiste Eric Dorion moved, seconded by Mr. Valois, and the Question being proposed, That the Bill be now read a second time;

MR. GUEVREMONT propose en amendement que le bill soit lu de ce jour en six mois. Il dit que comme représentant du comté de Richelieu, il sait que la majorité des habitants de William-Henry sont opposés à cette incorporation; et il a déposé hier une pétition signée par plus de 300 habitants de cette localité, réclamant l'adoption de cet acte d'incorporation.<sup>50</sup>

MR. DUFRESNE supporte l'amendement parce qu'il sait très bien que la majorité des habitants de Sorel sont opposés à l'incorporation. Il n'y a que quelques individus qui la demandent, parce qu'ils sont froissés de voir qu'ils n'ont pu obtenir un siège en parlement, et ils veulent se servir de ce moyen pour y parvenir.<sup>51</sup>

MR. J. DORION (de Drummond), est surpris de ce que l'on s'oppose à la seconde lecture d'un bill de cette nature. Quatre requêtes, au sujet de ce bill, sont maintenant devant la Chambre. Il n'y a pas deux membres qui les ont lues ainsi que le bill en question. Deux des requêtes sont favorables au bill, et deux lui sont défavorables. Est-il juste de rejeter ce bill ainsi sans connaissance de cause; sans s'assurer si véritablement la majorité désire cette incorporation ou non? Il espère que ceux qui veulent voter contre le bill attendront que la Chambre soit mise au fait de la question pour le faire. Pour rendre justice aux deux parties, il n'y aurait rien de mieux à faire que de lire le bill une seconde fois, de le référer au comité des bills privés ainsi que toutes les requêtes, et d'attendre son rapport pour se prononcer sur le mérite du bill. C'est pourquoi il présente la résolution, et il termine en disant que ce serait faire une grande injustice que de la rejeter.<sup>52</sup>

MR. AT. GEN. J.A. MACDONALD, MR. SOL. GEN. H. SMITH, et MR. COM. CR. LANDS CAUCHON se déclarent en faveur de l'amendement parce que le représentant du comté doit bien connaître l'opinion de ses constituants, qui ont pétitionné en grand nombre contre cet acte d'incorporation, et on doit se rendre à l'opinion publique aussi clairement exprimée. Ils déclarent ne pas connaître les dispositions du bill, mais le fait que des pétitions contre ce bill ont été envoyées à la Chambre, les porte à voter en faveur de l'amendement.<sup>53</sup>

MR. LABERGE.--J'ai peut-être plus de respect pour l'opinion du peuple que n'en ont les membres du gouvernement eux-mêmes, et je me soumettrai volontiers à cette opinion lorsqu'elle sera clairement exprimée, mais il faut avant, que je sache si une pétition, par exemple, représente réellement l'opinion d'une localité. On veut renvoyer ce bill parce que des personnes que la Chambre ne connaît pas, que les ministres eux-mêmes ne connaissent pas, pétitionnent pour le faire rejeter. Qui vous assure que les pétitionnaires sont bien de la localité intéressée par ce bill? Vous ne le savez pas et vous ne pouvez le savoir qu'en le renvoyant à un comité, qui s'assurera si réellement la majorité des habitants de Sorel est opposée à l'incorporation. Le bill ne sera pas loi parce qu'il aura subi sa seconde lecture, et le comité fera un rapport qui pourra nous guider dans notre vote. Mais jusque-là on veut nous faire voter en aveugles, comme on l'a déjà fait ce soir, sans faire attention à son vote.

Les ministres ont la prétention d'avoir beaucoup d'égards pour l'opinion d'une localité, exprimée par pétition, mais il[s] n'y regardent pas toujours de si près, sur des questions bien plus importantes. Ainsi on ne fait pas attention à son vote lorsqu'il s'agit d'établir des sociétés secrètes dans le pays, puis on fait rayer son vote après coup; mais sur des sujets bien moins importants, on feint beaucoup d'égard[s] pour la volonté du peuple, tout en votant encore sans savoir ce que l'on fait.--On dit que l'hon. membre pour Drummond ne



sait pas s'il y a réellement des signatures qui ne sont pas des habitants de la localité; mais savez-vous vous-mêmes s'ils en sont? Je serai très sévère moi-même lorsqu'il s'agira de la troisième lecture du bill, mais il faut donner à ceux qui demandent l'incorporation l'occasion de se faire entendre. Malg[r]é tout mon respect pour la volonté du peuple, je pense qu'il faut renvoyer le bill à un comité, afin de savoir ce que nous devons en faire. Je voterai donc contre l'amendement.<sup>54</sup>

(615)

*Mr. Guévremont moved in amendment to the Question, seconded by Mr. Dufresne, That the word "now" be left out, and the words "this day six months" added at the end thereof;*

*And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Aikins, Alleyn, Bell, Bellingham, Biggar, Blanchet, Casault, Cauchon, Chapais, Chisholm, Church, Clarke, Cooke, Cook, Crawford, Jean B. Daoust, Desaulniers, Dostaler, Dufresne, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gould, Guévremont, Hartman, Jackson, Labelle, Laporte, LeBoutillier, Lemieux, Lumsden, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Marchildon, Masson, Matheson, Mattice, Angus Morrison, Munro, Patrick, Polette, Poulin, Pouliot, Powell, Robinson, Roblin, Solicitor General Ross, Shaw, Solicitor General Smith, Somerville, Southwick, Spence, Taché, Terrill, Thibaudeau, and Turcotte.--(60.)*

NAYS

*Messieurs Bourassa, Chauveau, DeWitt, Jean B.E. Dorion, Flint, Foley, Frazer, Galt, Holton, Jobin, Laberge, John S. Macdonald, Roderick McDonald, Mackenzie, Murney, Prévost, Rolph, Sanborn, Scatcherd, and Valois.--(20.)*

*So it was resolved in the Affirmative.*

*Then the main Question, so amended, being put;*

*Ordered, That the Bill be read a second time this day six months.*

*The Order of the day for the House in Committee on the Bill to authorize the County of Middlesex to negotiate a Loan of One hundred thousand pounds to consolidate the County Debt, being read;*

*Ordered, That the said Order of the day be postponed until Thursday next.*

*The Order of the day for the second reading of the Bill to provide for the relief of Bankrupts and the administration of their Estates, being read;*

*Ordered, That the Bill be read a second time on Thursday the fifteenth instant.*

(616)

*The Order of the day for the second reading of the Bill to amend the Act 8 Vic. cap. 49, and to extend the provisions of the same, being read;*

*Ordered, That the Bill be read a second time on Monday the twelfth instant.*

*The Order of the day for the second reading of the Bill to amend the Act incorporating the Port Burwell Harbour Company, being read;*

*Ordered, That the Bill be read a second time on Wednesday next.*

*The Order of the day for the second reading of the Bill to provide for the representation in the Directory of Railroad Companies of Municipalities taking stock in or loaning money to such Companies under the provisions of the Municipal Loan Fund Act of Upper Canada, being read;*

*Mr. Foley moved, seconded by Mr. Scatcherd, and the Question being proposed, That the Bill be now read a second time;*

MR. FOLEY moved the second reading of the bill to provide for the representation of municipalities holding stock in the directory of railway companies. He said the object was to get directors elected to represent municipalities, who had either taken stock in railways or lent money to them. He desired, therefore, to allow municipalities in that position to elect directors proportionably to their interest in the road. The truth was, that scheme had been got up throughout the country by persons who hazarded nothing themselves; but getting themselves appointed directors, spent large sums of the public money to further their own selfish ends in one shape or another. In his own county a loan had been made to a railway company, of which the directors only owned to 125 of interest in the road. One set of directors got into difficulty with another, and going to law, they had contrived to make the municipalities pay all the costs. Now, to avoid this sort of thing, he had brought in the present bill. He knew it had defects, but he wanted it read a second time to have it referred to a select committee.<sup>55</sup>

MR. PRES. EX. COUN. MACNAB said the municipalities already had a representation through their chief officer on all boards of railways to which they had advanced money, and it was absurd to give them also the right to elect other directors like private stockholders.<sup>56</sup>

MR. AT. GEN. J.A. MACDONALD also opposed the bill. The principle, if carried out, came to this, that the moment a man became the creditor of another, he had the right to manage the affairs of his debtor. If that were so, as soon as a man deposited money in a bank he ought to have the right to elect directors of it. The provisions of the bill were said to be defective, and so they were. Why there was a single municipality through which the Brockville and Ottawa road ran, that would have the right under the bill to elect sixty-six directors--(laughter,)--and these sixty-six directors would not one of them have any interest in the success of the road, their whole interest being centered in screwing everything out of the company to pay the municipality. The stockholders and the municipalities alike made their bargains on the strength of the charter; and as both parties knew what they did, neither ought to be placed in a better or worse position than that they willingly assumed themselves.<sup>57</sup>

MR. BUREAU opposed the bill, believing that the only safety for stockholders was to hold all parties to the original charter. That was the law in England, France and the United States, and to depart from it, was to give rise to such wrong as that sought to be inflicted on shareholders by the Montreal and New York Railway.<sup>58</sup>

MR. DUFRESNE believed lenders were the masters of their own money. They lent it or not as they chose; but if they lent it, they certainly had no right to send persons to control the affairs of the borrowers.<sup>59</sup>

MR. MACKENZIE thought this a most difficult subject to deal with. Railway managements required very careful checks. The Engineer of the State of New York had recommended that men should be appointed to visit and inspect the affairs of the different Railway Companies, and report thereon, since they had led the public astray by so many incorrect statements. The appointment of such a discreet man here for such a purpose, not by the government or those leagued with the railway interest, would, he thought, be a most judicious step. They talked

about loans not being represented at Railway boards. By what right did the hon. and gallant knight opposite sit at the Grand Trunk Railway Board but as representing the Provincial loan. The Province owned no stock. In many instances municipalities deeply interested pecuniarily, on account of monies advanced, had no vote for directors, while men owing 125¢ of stock might vote, or with 500¢ might be a director, having control of the expenditure of hundreds of thousands. The people when they loaned them money did so on the faith of the power of Parliament to enquire into the affairs of the companies and amend their charters, and Parliament should do that duty.<sup>60</sup>

(616)

*The Honorable Sir Allan N. MacNab moved in amendment to the Question, seconded by Mr. Solicitor General Smith, That the word "now" be left out, and the words "this day three months" added at the end thereof;*

*And the Question being put on the Amendment; the House divided; and the names being called for, they were taken down, as follow:--*

#### YEAS

*Messieurs Bell, Bellingham, Blanchet, Bourassa, Brodeur, Bureau, Cameron, Casault, Cauchon, Cayley, Chapais, Chauveau, Chisholm, Church, Clarke, Cooke, Crawford, Jean B. Daoust, Darche, DeLong, Desaulniers, DeWitt, Dionne, Jean B.E. Dorion, Dufresne, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Frazer, Gill, Guévrement, Holton, Jobin, Labelle, Laporte, LeBoutillier, Lemieux, Lumsden, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Marchildon, Masson, Matheson, Meagher, Angus Morrison, Murney, Patrick, Polette, Pouliot, Powell, Rhodes, Robinson, Roblin, Solicitor General Ross, Sanborn, Shaw, Solicitor General Smith, Somerville, Southwick, Spence, Taché, Terrill, Thibaudeau, and Turcotte.--(67.)*

#### NAYS.

*Messieurs Aikins, Biggar, Cook, Fergusson, Flint, Foley, Galt, Gould, Hartman, Jackson, Roderick McDonald, Mackenzie, Munro, Prévost, Rolph, Scatcherd, and Wright.--(17.)*

*So it was resolved in the Affirmative.*

*Then the main Question, so amended, being put;*

*Ordered, That the Bill be read a second time this day three months.*

*The Order of the day for the second reading of the Bill further to amend an Act to establish Mutual Insurance Companies in Upper Canada, being read;*

*The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Roblin, Mr. Solicitor General Smith, Mr. Stevenson, Mr. Southwick, and Mr. Angus Morrison, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

MR. ROBLIN explained that there was now only one of these insurance companies in one county. This gave rise to difficulties where there were towns or villages. The risks were greater there and the rates higher, and the rural population wished to be allowed to have a separate company if they chose.<sup>61</sup>

On motion of MR. DEWITT,<sup>62</sup>

(617)

*The House, according to Order, resolved itself into a Committee on the Bill to incorporate the Educational and Evangelical Society established at La Grande Ligne, in the District of Montreal; and after some time spent therein,*



Mr. Speaker resumed the Chair; and Mr. Dufresne reported, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be now received.

Mr. Dufresne reported the Bill accordingly; and the amendment was read, and (sic) agreed to.

Ordered, That the Bill be read the third time To-morrow.

The Order of the day for the second reading of the Bill for the more expeditious transaction of public business in certain cases, being read;

Ordered, That the Bill be read a second time on Thursday the fifteenth instant.

The Order of the day for the House in Committee on the Bill from the Legislative Council, intituled, "An Act to incorporate the Lyn Manufacturing Company," being read;

Ordered, That the said Order of the day be postponed until Thursday next.

On motion of MR. DEWITT,<sup>63</sup>

(617)

The House, according to Order, resolved itself into a Committee on the Bill to repeal so much of any Law in force in Lower Canada as authorizes the sale of any property by the authority of Justice on Sundays; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Bellingham reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Bellingham reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

On motion of DR. MCDONALD of Cornwall the bill to amend the act of Upper Canada regulating the expenditure of the county funds was read a second time and referred to a select committee. By the law as it now stood it required seven magistrates in Quarter Sessions to audit the accounts. It was found difficult to get so many together for the purpose, and he proposed to reduce the quorum to three.<sup>64</sup>

MR. HARTMAN thought this auditing should be done by the county council.<sup>65</sup>

(617)

The Order of the day for the second reading of the Bill to amend the Act of Upper Canada, intituled, "An Act to regulate the expenditure of District Funds in this Province," being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Roderick McDonald, Mr. Roblin, Mr. Matheson, Mr. Hartman, and Mr. Southwick, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Then, on motion of Mr. Masson, seconded by Mr. Solicitor General Smith, The House adjourned.<sup>66</sup>



APPENDIX: 1 MARCH 1855.

[NOTICE OF MOTION RE: SEIGNIORIAL TENURE.]

MR. POULIOT [donne avis que] lundi prochain [il fera motion pour un] Bill intitulé, "Acte pour amender l'acte seigneurial de 1854," et étendre certaines dispositions du dit acte à la seigneurie de Lauzon.<sup>67</sup>

[NOTICE OF MOTION RE: BILL TO PREVENT ACCEPTANCE OF OFFICES OF EMOLUMENT BY MEMBERS.]

MR. J.S. MACDONALD (Glengary) [donne avis que] lundi prochain [il fera motion pour un] Bill intitulé, "Acte pour empêcher les membres de l'assemblée législative d'accepter des places d'émoluments ou profits excepté dans certains cas."<sup>68</sup>

[NOTICE OF MOTION RE: PROVINCIAL LUNATIC ASYLUM IN CANADA WEST AT TORONTO.]

MR. INSP. GEN. CAYLEY [donne avis que] demain [il proposera que] la chambre [se forme] en comité des subsides pour prendre en considération le message de son excellence touchant les dispositions pour le soutien de l'asile des aliénés de la province du Canada Ouest.<sup>69</sup>

[QUESTION AND ANSWER RE: ST. MICHEL WHARF.]

MR. O. FORTIER (Bellechasse) enquired of the ministry, whether the Government intended during this part of the session, to grant a sum of money for the construction of a Quay in the parish of St. Michel.<sup>70</sup>

MR. COM. PUB. WORKS LEMIEUX replied that the subject was at present under the consideration of the Government.<sup>71</sup>

[QUESTION AND ANSWER RE: AMENDMENTS TO SEIGNIORIAL TENURE BILL.]

MR. JOBIN enquired of the ministry whether they intended to bring in during the present session any amendments to the Seigniorial Bill, and if so what are the said amendments.<sup>72</sup>

MR. AT. GEN. DRUMMOND said that, as one of their colleagues (the Provincial Secretary) was still absent, he would wish the question postponed till Monday.<sup>73</sup>

[WITHDRAWN MOTION RE: TUG BOATS BELOW QUEBEC.]

MR. FERRES moved to resolve--1st. That it would be of great benefit to the shipping frequenting the St. Lawrence, and of material advantage to the trade of the province, if a line of iron screw tug boats of sufficient power were employed to ply on the river below Quebec. 2nd. That an humble address be presented to His Excellency the Governor General, requesting that His Excellency will be pleased to take such measures as he may think fit for providing such iron screw tugs.<sup>74</sup>

MR. COM. PUB. WORKS LEMIEUX.--Le gouvernement a pris le sujet en considération, et il introduira bientôt une mesure qui satisfera aux exigences du commerce à cet égard. Ainsi je prie l'hon. membre de retirer sa motion.<sup>75</sup>

MR. FERRES expressed his willingness to do so.<sup>76</sup>

MR. YOUNG said that hitherto the service had been most improperly performed. Last year no less a sum than £9,500<sup>77</sup> [OR] £9,000<sup>78</sup> had been paid, and for that large sum only one vessel had been towed, and that for a short distance. The fact was that the boats were old ones, hardly able to take care of themselves, much less to tow large ships. Now it was said that contracts had been entered into with the same parties without any public competition. Was that so?<sup>79</sup>

No response coming from the head of the Department of Public Works,<sup>80</sup>

MR. HOLTON wished to know if the Government were to vouchsafe an answer to the question of his honourable colleague.<sup>81</sup>

MR. TURCOTTE.--Is there anything before the Chair? Is this discussion in order?<sup>82</sup>

MR. SICOTTE the SPEAKER said that the resolution was still in his hands, and the discussion was quite in order.<sup>83</sup>

MR. HOLTON hoped the Chief Commissioner of Public Works would favor the House with a reply to the question which had been put, whether it was true, as he (Mr. H.) had stated the other day, and as had now been repeated, that a private contract had been entered into by the Government with Mr. Baby for those tug boats, without asking for tenders, and at a higher rate of remuneration than had been previously tendered for by responsible parties. (Hear, hear.)<sup>84</sup>

MR. AT. GEN. J.A. MACDONALD.--L'hon. membre pour Montréal devrait donner avis de sa question et la faire régulièrement, et alors il aurait une réponse.<sup>85</sup> It was useless to discuss the thing and get the papers afterwards.<sup>86</sup>

MR. HOLTON.--C'est ce que j'ai fait l'autre jour.<sup>87</sup> The question being now before the House for debate, he thought a merely departmental matter like this might be explained without the ceremony of a notice of enquiry. (Hear, hear.) They all knew well what amount of satisfaction they could get out of the Ministry by putting notices on the paper. (Hear, hear.) The only way they had of getting important information was by drawing it out in the course of debate. But of course the Chief Commissioner of Public Works might refuse to answer if he chose. The House could not find (sic) a voice for him. (Hear, hear, and laughter.)<sup>88</sup>

MR. GALT asked whether he was to understand from the answer of the Chief Commissioner of Public Works that it was intended to provide the sort of steamers indicated in the motion.<sup>89</sup>

MR. COM. PUB. WORKS LEMIEUX.--Je répète que le gouvernement a pris cette matière en considération, et qu'il prendra des mesures pour rencontrer le[s] besoins du commerce.<sup>90</sup>

MR. GALT.--If the honorable member for Mississquoi (Mr. Ferres) is satisfied with that explanation, it is not for me to press the matter further.<sup>91</sup>

MR. HINCKS said that, if he understood the honorable Commissioner of Public Works correctly, the information he had communicated was quite satisfactory. He understood him to say that the Government had taken the matter into consideration, and were prepared to bring down a measure on the subject, to be submitted to the House. He did not understand him to say that they were to take measures without consulting the House. If he so understood the explanation, then he admitted that honorable gentlemen opposite would have a right to complain, but

if the Government were maturing a proposition to be submitted to the House, then he conceived that the House might consent to wait till that proposition was formally submitted to them.<sup>92</sup>

MR. COM. PUB. WORKS LEMIEUX having indicated that the honorable member for Renfrew had truly interpreted his explanation,<sup>93</sup>

MR. FERRES, on the understanding that so soon as the Government had matured their plan, they would bring down estimates to the House, withdrew his motion.<sup>94</sup>

[POSTPONED MOTION RE: SEIGNIORIAL TENURE IN BEAUHARNOIS.]

MR. BUREAU propose la nomination d'un comité spécial pour prendre en considération le rapport maintenant devant cette Chambre touchant certaines difficultés entre le seigneur de la seigneurie de Beauharnais, et certains habitants des comtés d'Huntingdon et Châteauguay relativement à un morceau de terre en litige entre le seigneur de Beauharnais et les dits habitants; avec pouvoir d'envoyer quérir personnes, papiers et records, et de faire rapport à cette chambre de temps en temps; le dit comité devant être composé de MM. Somerville, Masson, DeWitt, et le moteur.<sup>95</sup>

MR. AT. GEN. DRUMMOND demande si l'hon. membre veut bien remettre sa motion jusqu'à lundi, afin que le gouvernement puisse examiner ce rapport.<sup>96</sup>

MR. BUREAU y consent.<sup>97</sup>

FOOTNOTES: 1 MARCH 1855.

1. GLOBE, 7 March 1855.
2. Scrapbook Hansard (1 March 1855).
3. LE PAYS, 6 March 1855.
4. GLOBE, 7 March 1855.
5. Scrapbook Hansard (1 March 1855).
6. TORONTO DAILY LEADER, 8 March 1855.
7. Scrapbook Hansard (1 March 1855).
8. GLOBE, 7 March 1855.
9. IBID.
10. Scrapbook Hansard (1 March 1855).
11. GLOBE, 7 March 1855.
12. TORONTO DAILY LEADER, 8 March 1855.
13. GLOBE, 7 March 1855.
14. TORONTO DAILY LEADER, 8 March 1855.
15. Scrapbook Hansard (1 March 1855).
16. TORONTO DAILY LEADER, 8 March 1855.
17. LE PAYS, 6 March 1855.
18. GLOBE, 7 March 1855, reports that the motion was negatived with "only Capt. Rhodes and Dr. Church voting for it". LE PAYS, 6 March 1855, reports the division in this same manner, however, TORONTO DAILY LEADER, 8 March 1855, reports: "The motion was lost without a division." A Telegraph report (in Scrapbook Hansard) states: "... only the mover stood up in favor of the motion."
19. Scrapbook Hansard (1 March 1855).
20. GLOBE, 7 March 1855.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. Scrapbook Hansard (1 March 1855).
27. GLOBE, 7 March 1855.
28. IBID.
29. LE PAYS, 6 March 1855, GLOBE, 7 March 1855, and Scrapbook Hansard (1 March 1855) report the vote for the second reading as Yeas, 48; Nays, 18 which differs from the JOURNALS.
30. GLOBE, 7 March 1855.
31. IBID.
32. IBID.
33. Scrapbook Hansard (1 March 1855).
34. IBID.
35. IBID.
36. TORONTO DAILY LEADER, 8 March 1855.
37. GLOBE, 7 March 1855.
38. Scrapbook Hansard (1 March 1855).
39. GLOBE, 7 March 1855.
40. IBID.
41. Scrapbook Hansard (1 March 1855).
42. GLOBE, 7 March 1855.



43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. LE PAYS, 6 March 1855.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. Scrapbook Hansard (1 March 1855).
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. GLOBE, 7 March 1855.
63. IBID.
64. Scrapbook Hansard (1 March 1855).
65. IBID.
66. GLOBE, 7 March 1855, reports: "... the House adjourned at ten o'clock."
67. LE PAYS, 6 March 1855.
68. IBID.
69. IBID.
70. GLOBE, 7 March 1855.
71. IBID.
72. IBID.
73. IBID.
74. IBID.
75. LE PAYS, 6 March 1855.
76. GLOBE, 7 March 1855.
77. IBID.
78. LE PAYS, 6 March 1855.
79. Scrapbook Hansard (1 March 1855).
80. GLOBE, 7 March 1855. In response to Mr. Young's question, Scrapbook Hansard (1 March 1855), reports here: "No answer being given, and the Speaker being absent to put the motion, Mr. Holton said...." GLOBE, 7 March 1855, does not contain this information and reports Mr. Sicotte, the Speaker, answering Mr. Turcotte in footnote 83.
81. GLOBE, 7 March 1855.
82. IBID.
83. IBID.
84. IBID.
85. LE PAYS, 6 March 1855.
86. Scrapbook Hansard (1 March 1855).
87. LE PAYS, 6 March 1855.
88. HAMILTON SPECTATOR, 10 March 1855.
89. GLOBE, 7 March 1855.

90. LE PAYS, 6 March 1855.
91. GLOBE, 7 March 1855.
92. IBID.
93. IBID.
94. IBID.
95. LE PAYS, 6 March 1855.
96. IBID.
97. IBID.

FRIDAY, 2 MARCH 1855.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Southwick,--The Petition of D.T. Hughes, Chairman, in behalf of the Board of Trustees of the St. Thomas County Grammar School, of the County of Elgin; the Petition of Thomas Locker, Reeve, and others, of the Township of Malahide; and the Petition of Robert G. Garner and others, of the Township of Malahide.

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By Mr. Laberge,--The Petition of Sister Jauron, Superior, and others, Sisters of Charity in charge of the Hôtel-Dieu Hospital of St. Hyacinthe.

By Mr. Hartman,--The Petition of C.H. Appleton and others, of Aurora.

By Mr. Frazer,--The Petition of the Provisional Municipal Council of the County of Welland; the Petition of the Municipality of the Village of Thorold; the Petition of the Municipality of the Township of Thorold; the Petition of the Municipality of the Township of Wainfleet; the Petition of the Municipality of the Township of Humberstone; and the Petition of the Municipality of the Township of Pelham.

By Mr. Jean Baptiste Daoust,--The Petition of the Reverend Ambroise Groulx, of the Parish of St. Benoit, District of Montreal.

By Mr. Delong,--The Petition of Jonathan Fulford and others, of the County of Leeds, Members of East Brant Division, No. 387, of the Order of the Sons of Temperance.

By the Honorable Mr. Lemieux,--The Petition of Simon Octeau, Mayor, and others, of St. Joseph de la Pointe Lévi; and the Petition of the Reverend H. Routier and others, Commissioners of the School Municipality of St. Joseph de la Pointe Lévi.

By Mr. Biggar,--The Petition of the Municipal Council of the County of Brant.

By Mr. Munro,--The Petition of the Municipality of the Township of Darlington, County of Durham.

By Mr. Patrick,--The Petition of Frederick Belfoy and others, of the Town of Prescott.

By Mr. Guévremont,--The Petition of Daniel Capistran and others, of the County of Richelieu; and the Petition of Augustin Lavallée and others, of the Concession of Chenal du Moine, Municipality of Sorel, County of Richelieu.

By Mr. Turcotte,--The Petition of Edouard Tremblay, John McLaren, Louis Lavoie, and Antoine Guay.

On motion of Mr. Taché, seconded by Mr. Meagher,

Ordered, That the Select Committee on the Lotbinière Election Petition have leave to adjourn until Tuesday the thirteenth instant, at Ten o'clock in the forenoon, in order that the Sitting Member and the Petitioner may have sufficient time to prepare their arguments on the Report of the Commissioner now before the House.

Pursuant to the Order of the day, the following Petitions were read:--

Of L.E. Dubord and others, Censitaires, of the Parish of Champlain, County of Champlain; praying for certain amendments to the Seigniorial Act of 1854.

Of the Reverend David Dunkerley and others, of Durham, County of Drummond; praying for an aid in behalf of the High School at Durham.

Of Samuel Gemmill and others, of Augusta, County of Grenville; and of Francis Scott and others, of Central Augusta; praying for a Prohibitory Liquor Law.

Of Wilder Pierce and others, Directors of the Stanstead Seminary; praying for an additional aid in behalf of the Female Department of the said Seminary.

Of the Reverend Abiel Moulton and others, of the Township of Stanstead, County of Stanstead; praying for an aid in behalf of the High School in the said Township.

Of P.L. Giroux and others, of the County of Quebec; and of the Municipal Council of the County of Quebec; praying that the Bill to reform the Municipal system of Lower Canada, and to establish County, Parish and Township Municipalities therein, may not become Law.

Of John Stephens and others, Electors of the County of Argenteuil; setting

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forth: That the recent as well as the former pretended election of Sydney Bellingham, Esquire, as Member to represent the County of Argenteuil in the House, was effected by the return of several hundred notoriously illegal or fictitious votes from Gore and Wentworth Townships in the back settlements of the County: That the illegality of such votes is a fact shown, the Petitioners believe, by the Election Returns in question, compared with the facts as to the number of occupiers of land therein established by the last Census Report and by the Public Registers of the Province: That the consideration of the trouble, expense, and hazard incident to an investigation by Commission on a Petition against a Sitting Member under the Contested Election Petitions Act weighs heavily on the Petitioners, and induces them most respectfully to ask the House to take this matter into immediate consideration, and to submit to the House for redress their grievances in the fact that should the said Sydney Bellingham be allowed to assume the seat in question in virtue of a Return of the said pretended Election of December last, notoriously illegally obtained, the Petitioners will continue to be virtually disfranchised, under color of a Return of Election contradicted by facts and statistics established and recognized by the Laws of the Country: That at the recent Election in question, Lemuel Cushing, Esquire, a Candidate thereat, had a large majority of the legal votes returned; that the position of Mr. Cushing in the contest was and is in defence of proprietary interests against the illegal and unjust pretensions of the Montreal and Bytown Railway Company, of which Mr. Bellingham is or was recently the acknowledged Secretary: That Mr. Cushing (a landowner to a large extent in the County) has publicly, at the Municipal Council Board and elsewhere, thrown the weight of his influence in favor of the said Railway Company, but under reserve of certain prudential and equitable conditions with respect to which the proprietary he represents in this contest is at issue with the said Railway Company and its creditors: That by a Bill now before the House to amend and extend the Charter of the said Company and for other purposes, an attempt is made, by a retractive clause therein, to render nugatory the legal proceedings now pending in the Superior Court in Montreal at the instance of Municipal Electors of the Municipality of the County of Two Mountains, (of which this County is a part) with respect to a contested By-Law of the said Municipality for the subscription of stock in the said Railway under certain conditions: That the Bill in question also seeks to entail upon the said Municipality heavy liabilities to the extent of Fifty thousand pounds, for Dock, Wharves, and Steam Foundries in Montreal, Works of a speculative character, and which were not contemplated by the Petitioners at the time the said Municipality entered into the conditional



relations in question with the said Company: That so far as the Petitioners know, Mr. Bellingham is neither a resident nor a proprietor in this County, and that they consider his position in this matter as one of antagonism to the interests of the County: That apart from these considerations the Petitioners, supporters of Mr. Cushing, (who represents according to the votes in this contest about or upwards of two-thirds of the assessable property of the County) have in a great measure been deprived of their right in the Elective franchise: That the undue means resorted to and the great wrong perpetrated against the most valued rights of the Petitioners for the purpose of placing in the hands of the representative of an antagonistic Railway interest the high powers of a seat in Parliament, pending the issues above alluded to, forces the Petitioners to submit to the House a statement and Petition which they humbly conceive to be warranted and called for by the extraordinary and imminent circumstances of the case: That with respect to the outrages of the former Election of Mr. Bellingham, and against certain provisions of the Bill in question, Petitions have already been presented to the House; and praying for justice and redress in the premises, and especially that the said Sydney Bellingham be not permitted to assume the seat in question, unless and until the House be assured of his legal right to the same.

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Of the Right Reverend the Lord Bishop of Montreal, President of the Committee of the National School Society; praying aid in behalf of the said Institution.

Of J.G. Glennon and others, Merchants and Traders, of the City of Montreal; praying that the Bill to provide for the relief of Bankrupts and the administration of their Estates, may not become law.

Of James Marshall, of Youngstown; complaining of injustice done him by the passing of the Act to confirm Mr. Zimmerman's purchase of the Niagara Dock Company's property, and praying relief in the premises.

Of John Montgomery, of the City of Toronto, Innkeeper; alleging that the Queen's Forces took possession of his extensive Hotel and Offices, on Yonge Street, near Toronto, on December 7th, 1837, and burned them to the ground after the Rebels were defeated and had retired; and praying for remuneration for losses thereby sustained.

Of G. Arundel Hill, of Dummer; complaining of the want of union, peace, and concord, among professing Christians, and praying for an Act to define more clearly Sabbath-breaking, and works of necessity and mercy.

Of B. Pouliot and others, of the Parish of L'Islet, County of L'Islet; praying for an aid to open a Road from the Parish of St. Cyrille to the Province Line.

Of the Reverend F.X. Delâge and others, of the Parish of L'Islet; praying for an aid in behalf of a Model School in the said Parish.

Of John A. Cameron and others, of the Township of Lochaber, County of Ottawa; praying for aid to complete the erection of a building for an Academy in the said Township.

Of E.W. Carter and others, of the Borough of William Henry; praying that the said Borough may not be incorporated as petitioned for by its Municipal Council.

The Honorable Mr. Cameron, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Twentieth Report of the said Committee; which was read, as followeth:--

*Your Committee have examined the Bill to define the boundary line between the fourth and fifth Concessions of the Township of Cornwall, and beg leave to report that the Preamble has not been proved.*

*Your Committee have also examined the Bill to incorporate the Montreal Locomotive, Marine, and Steam Forge Works Company, and have agreed to several amendments, which they beg to submit for the consideration of Your Honorable House.*

*Ordered, That the Bill to incorporate the Montreal Locomotive, Marine, and Steam Forge Works Company, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.*

MR. HOLTON propose que lorsque la chambre s'ajournera ce jour, elle demeure ajournée jusqu'à jeudi prochain, afin de permettre aux membres d'assister à l'Exposition de Montréal. Il dit que plusieurs membres ayant manifesté le désir d'avoir un ajournement pour accompagner Son Excellence dans sa visite à Montréal, il fait cette motion afin que la chambre puisse décider si elle y assistera.<sup>1</sup>

MR. CAMERON considered it would be a bad precedent to establish, that, wherever there happened to be an Exhibition, Parliament should wander all over the country to see it. The House had not yet got through much business, and to say that they should throw away three or four days more in order to visit the Exhibition was asking too much.<sup>2</sup>

MESSRS. FOLEY et ROBINSON se prononcent contre l'ajournement pour les mêmes raisons.<sup>3</sup>

MR. FOLEY could see no good reason why the House should adjourn, because a few of its members happened to have business in Montreal, and on behalf of the Riding which he represented he protested against the country being subjected to so much expense for the convenience of a few members of the Legislature.<sup>4</sup> [He spoke] against it, as very unjust to Members who did not desire to go to the exhibition, and who would be detained at Quebec doing nothing in the meantime.<sup>5</sup>

CAPT. RHODES et MR. YOUNG se prononcent en faveur de l'ajournement parce que les membres auront l'occasion de voir les produits géologiques du pays. M. Logan fera une exposition complète de tous les produits géologiques, et les membres gagneront beaucoup en informations en la visitant.<sup>6</sup>

CAPT. RHODES ... [continued:] A great number of the members besides himself would be obliged to attend, in their capacity of chairmen of committees &c., and he doubted much whether the House during the three or four days would be able to do so much good to the country by remaining in Quebec, as they would by visiting Montreal in connection with an object of so great and paramount importance.<sup>7</sup>

DR. MASSON et MR. J. DORION (de Drummond) s'opposent à la motion parce que cela occasionnera des dépenses à la province. Lorsqu'il s'agit de voter quelques mille louis pour payer les jurés ou les instituteurs, on nous dit qu'il n'y a pas d'argent; mais pour faire promener les membres, on en trouve toujours.<sup>8</sup>

MR. GALT hoped the House would consider this an exceptional case. The whole country was most anxious that Canada should be properly represented at the great exhibition in Paris. The House had already voted £10,000 towards this object, and it would only be carrying it out in the same spirit if they adopted the

motion of his honourable friend, and gave their presence to the Preliminary Exhibition.<sup>9</sup>

MR. CAMERON could see no necessity for the House of Assembly being present, unless they attended for the purpose of selections being made to send to Europe [members] as specimens of the Canadian Legislature. (Laughter.)<sup>10</sup>

MR. PRES. EX. COUN. MACNAB said the government left the matter entirely with the House. If the House desired to accept the invitation of the Exhibition committee, the Government would bow to their decision.<sup>11</sup>

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*Mr. Holton moved, seconded by the Honorable Mr. Young, and the Question being put, That this House will, at the rising of the House this day, adjourn until Thursday next at Three o'clock in the afternoon, to allow Members an opportunity to attend the opening of the Exhibition at Montreal on Tuesday next; the House divided:--And it passed in the Negative.*<sup>12</sup>

*Ordered, That Mr. Hartman, Mr. Fergusson, Mr. Delong, Mr. Scatcherd, and Mr. Gould, be added to the Select Committee appointed to enquire into the State of Agriculture in Lower Canada.*

*Mr. Solicitor General Smith moved, seconded by the Honorable Mr. Spence, and the Question being proposed, That the Clerk of Routine and Records do transmit,*

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*free of Postage, a copy of each of the several Bills and daily Votes and Proceedings, and other Papers, of which extra copies are ordered to be printed for the use of Members, to the Editors of the respective Newspapers published in the Province; and that for such purpose an additional number of copies be struck off by the Printer;*

MR. SOL. GEN. H. SMITH ... said he desired to give editors of papers the fullest information that they might give it to the public. It resolved itself into a question of regularity. The members now, he believed, very generally transmitted copies of the votes and proceedings to the journals in their respective counties. But if the matter were placed in the hands of the Clerk of Records greater regularity would be ensured.<sup>13</sup>

MR. J. DORION (de Drummond) propose en amendement qu'il soit ajouté à la résolution, "que 500 copies extra des votes et délibérations soient imprimées pour l'usage des membres." Il dit qu'il est bien aise de voir cette motion du gouvernement mais il pense qu'il faudrait imprimer un plus grand nombre de votes et délibérations, afin que les membres puissent les envoyer à leurs constituants, pour faire connaître les travaux des représentants.<sup>14</sup>

MR. FOURNIER opposed the motion and amendment as blague, and calculated to entail vast expense on the Province.<sup>15</sup> [Il] s'oppose à l'amendement parce que les dépenses d'impressions (sic) sont déjà de près de \$100,000, et qu'il est inutile de les augmenter.

M. Dorion, lorsqu'il publiait son journal l'Avenir, demandait avec raison l'économie des deniers publics, mais aujourd'hui il veut se faire de la popularité aux dépens du pays en envoyant partout les votes et délibérations, qui ne sont lus nulle part et qui sont gaspillés.<sup>16</sup>

MR. FERRES did not think that the expense of printing for the purpose of communicating information to the Press would be thrown away. As one connected



with the Press, he would say that the newspaper press would thank the Solicitor General for having thought of the motion, and would thank the House if it carried it.<sup>17</sup> Editors suffered inconvenience from the want of a regular supply of parliamentary papers. It was through them that information was supplied to the country, and they should receive whatever documents were laid before the House.<sup>18</sup>

MR. SOL. GEN. H. SMITH s'oppose à l'amendement parce que le public reçoit tous les débats de la chambre par la voie des journaux, qui les publient tous les matins.<sup>19</sup>

MR. J. DORION.--Je sais que les journaux publient les débats, mais je sais aussi par expérience que généralement ils ne publient que les votes qui sont favorables à leurs amis, tandis que ceux qui leur sont défavorables sont laissés de côté. D'ailleurs, il y a aujourd'hui un plus grand nombre de membres qu'il n'y en avait durant le dernier parlement, et on n'imprime que le même nombre de votes et délibérations, ce qui fait que chaque membre en a moins qu'alors pour son usage. Le coût de l'impression sera minime, car chacun sait que lorsque la matière est composée, il n'y a que la différence du coût du papier pour en imprimer un plus grand nombre.<sup>20</sup>

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*Mr. Jean Baptiste Eric Dorion moved in amendment to the Question, seconded by Mr. Valois, That the words "and five hundred copies extra of the Votes and Proceedings in English and French for the use of the Members of this House" be added at the end thereof;*

*And the Question being put on the Amendment; the House divided:--And it passed in the Negative.*

*Then the main Question being put;*

*Ordered, That the Clerk of Routine and Records do transmit, free of Postage, a copy of each of the several Bills and daily Votes and Proceedings, and other Papers, of which extra copies are ordered to be printed for the use of Members, to the Editors of the respective Newspapers published in the Province, and that for such purpose an additional number of copies be struck off by the Printer.*

MR. INSP. GEN. CAYLEY moved the House to go into Committee of Supply. He stated that the amount now required was for the purposes of the Lunatic Asylum at Toronto, and amounted to \$1641, being the excess of the expenditure over the appropriation of 1854, and a farther sum, in all amounting to \$14,000, for the buildings required for the extension of the Asylum. The demand was very pressing, but the Ministry had thought it better to wait than to anticipate the action of the House by paying this money before it was voted. The hon. gentleman also made some explanations as to the mode of applying the assessment for the Lunatic Asylum in Upper Canada, which, however, did not reach the reporters' gallery.<sup>21</sup>

MR. J.S. MACDONALD (Glengarry) called attention to the circumstance that the expenses of the Institution in Toronto were rapidly increasing from \$7500 in 1853, and \$10,000 in 1854, to an estimated expenditure of \$12,000 for 1855.<sup>22</sup> If he understood the matter correctly it was intended to enlarge the Lunatic Asylum buildings, out of the Lunatic Asylum tax, which did not appear in the Consolidated Fund account, and that the present grant was for an excess of expenditure over appropriations. It would, he thought, be much better, before asking for this grant, to come down with a report of the officers in charge of the institution, showing in what way the present deficit had occurred. The



House had heard great complaints about the condition of this institution<sup>23</sup>. He would not object to anything that was calculated to ameliorate the condition of those unfortunates, but they were entitled to some explanation of the increasing demands that were being made on the revenues of the country to support the Institution.<sup>24</sup>

MR. CAMERON said that the Inspector General, in asking an additional grant for the Asylum, when he remarked that the funds were inadequate, might have gone further, and said that the management was inefficient<sup>25</sup>. There could be no objection to vote this sum; but<sup>26</sup> he hoped the Government would bring down the reports of the commissioners, that the house and the country might ascertain the real facts as to the internal management of the Institution. The condition of its inmates was stated by many persons out of doors to be most unfortunate,<sup>27</sup> [OR] to be most deplorable,<sup>28</sup> totally irrespective of their mental alienation, and that they were not treated in the manner they ought to be. If there was nothing else, there was sufficient (sic) to call for enquiry in what had recently appeared in the newspapers in reference to the case of a person discharged from the Asylum as an impostor by the resident physician, although a large proportion of the medical faculty of Toronto pronounced her insane.<sup>29</sup> In the particular case in question there was great discrepancy between the opinions of several eminent physicians of Toronto and that of the superintendent.<sup>30</sup>

MR. CHAUVEAU complained of the excess of expenditure for the Upper Canadian Lunatic Asylum over that at Beauport<sup>31</sup>, Lower Canada--of which no complaints were made.<sup>32</sup>

MR. INSP. GEN. CAYLEY believed it could not be desirable to offer to public competition the case of these poor persons. The management at Quebec, though not strictly given to persons accepting it by public competition, was certainly not economical. The cost at Beauport was £30 per head per annum; in Upper Canada it was in the year 1853 £21 per head only.<sup>33</sup> In reply to the honorable members for Glengarry and Toronto, he begged to say that all the papers would be brought down, and the most ample information given.<sup>34</sup>

MR. CHAUVEAU said the difference between Upper Canada and Lower Canada consisted in this--that in Lower Canada the proprietors of the Institution paid the cost of the buildings themselves; in Upper Canada it had been paid by the public.<sup>35</sup>

MR. MACKENZIE said, in reference to Mr. Cameron's remark about the efficiency of the management of the Institution--that had the member for the City of Toronto visited the Institution the other day when the Visiting Commissioners invited the members of Parliament residing in the district to examine its condition, he would have found the Institution well managed. He (Mr. Mackenzie) had<sup>36</sup> lately been through the Lunatic Asylum at Toronto two or three times, and he must say he saw no reason whatever for complaints.<sup>37</sup> Ces plaintes lui semblaient avoir précisément le même caractère que celles faites contre le docteur Scott qui avait été harassé pendant tout le temps qu'il avait dirigé cet établissement.<sup>38</sup> When the medical superintendent assumed the duties of that office, the drainage of the building was bad: the ventilation was defective. Both these defects had been removed under Dr. Workman's immediate directions.<sup>39</sup> Dr. Workman did great justice to the position in which he was placed, and particularly, when all his applications in the proper quarter had failed, he set to work himself to remove the cause of the unhealthiness that had formerly

existed in the under-story, and by hiring men to drain the building, accomplished the desired object. He considered, however, that much still remained to be done for the improvement of the Institution. There should be more means of amusement, more trees and shrubberies, and more riding about, instead of the unhappy people being continually shut up as in a gaol.<sup>40</sup> It did (he continued) appear to him that vague charges should not be preferred against the Institution by individuals who had not taken the trouble to examine into its condition as he had done. As Chairman of the Committee of Public Accounts, he had examined the state of its pecuniary affairs, and everything he found to be perfectly correct. The gentleman who had charge of its fiscal affairs appeared to do his duty faithfully.<sup>41</sup> He did not, however, understand why the Government came down there to demand this sum of money when they had a fund arising out of the Lunatic Asylum tax of 1d. in the £. That, however, had been taken to build Normal Schools and Post Offices, while the money required for the Lunatic Asylum was demanded of the House. He thought that those unfortunate persons who lost their reason, should not be required to be two months applying to get in to the Lunatic Asylum; and he reproached Mr. Cameron for having made these remarks upon the management of the Asylum, though he had refrained from going to inspect it when invited to do so, as he (Mr. Mackenzie) had done.<sup>42</sup>

MR. HINCKS.--No part of it was ever applied to building the Toronto Post Office.<sup>43</sup>

MR. MACKENZIE.--The Normal School was, at all events, and is there anything about it connected with the brain being a little addled? There are a great many things that the honorable member for Renfrew has done which would need a great many parentheses to make people comprehend them. (Laughter.)<sup>44</sup>

MR. INSP. GEN. CAYLEY showed that the member for Haldimand was mistaken as to the rate of the Lunatic Asylum tax. The Act 2 Vic., cap. 11, authorizing the erection of an Asylum for the reception of insane and lunatic persons and authorizing an assessment of 1/8 of a penny in the pound for that purpose, was repealed by the act 13 and 14 Vic., cap. 68, called an act to provide funds for defraying the cost of the erection of the Lunatic Asylum and other Public buildings in Upper Canada which reduced the tax to 6d in the £100--or something less than 1 16 of a penny in the pound. This last act directs that the proceeds of the tax shall be applied first to the payment of interest on debentures issued either for the Lunatic Asylum, or the erection of any other Public Building in Upper Canada for an institution of general importance to the inhabitants of Upper Canada; secondly for the formation of a sinking fund; lastly to the support of the Asylum or such other institution.

The unredeemed debentures of the Asylum and the Normal School stand as follows:

Lunatic Asylum.....	£39,250
Normal School.....	15,000
	<hr/>
	£54,250

And there is at the credit of the sinking fund £19,124 10s. 4d.

The public accounts for 1853 show the state of this account at the close of that year. The figures now given, the present state.<sup>45</sup>

MR. HOLTON said the hon. and learned member for Toronto, (Mr. Cameron) had chosen prematurely and somewhat irrevelantly (sic) to make remarks on the management of the asylum at Toronto. He would not enter on those remarks but he wished to point out the gross injustice perpetrated by the hon. member towards

the medical gentleman now in charge of the Provincial Asylum. He was credibly informed that the hon. and learned member had never been within the walls of the Lunatic Asylum since the appointment of Dr. Workman, and therefore was not the best qualified to judge of its management. He held it to be exceedingly unfair to enter here into the disputes between that gentleman and certain medical men in Toronto, and on a merely ex parte case to pronounce an opinion. He (Mr. H.) knew Dr. Workman most intimately, and he had no hesitation in saying that he was one of [the] kindest hearted men he ever knew, and one of the ablest men that could have been selected in the whole country for the situation he now occupied.<sup>46</sup> He was a man of the greatest humanity, and it was highly unfair to reflect upon him in a manner to affect, not his personal character, but his character for humanity.<sup>47</sup> As to the dismissal of the woman Eliza Ward,<sup>48</sup> the Doctor had discharged her two or three times as being an impostor. Other gentlemen of the medical profession had pronounced her insane; but if ten or fifty persons declared her to be insane after a quarter of an hour or an hour's examination, what was their opinion compared to that of a gentleman who had observed her attentively for months. The truth was that the quarrel was just one between the medical schools, and not of much interest to any one else.<sup>49</sup> [It] arose out of envious feelings.<sup>50</sup> It was unnecessary to weary the House, but as this question had been raised he might express the hope that the government would institute such enquiries whether by issuing a commission or otherwise as would place the facts fairly before the public. (Hear, hear.)<sup>51</sup>

MR. GAMBLE said he had been invited by circular to attend at the Institution on a particular day to examine its operation. He had not found it convenient to attend, and did not much regret it, as he did not see what good object was to be effected. Everything, of course, when visitors were expected, would be dressed up in its Sunday clothes, and appear in first rate order. But the way in which the Institution was conducted was a matter generally spoken of throughout the country, and in common with a large portion of the people of the province, he deeply regretted that an Institution of that kind should have been placed in such a position as to excite a degree of distrust and suspicion as to its management. He was not surprised at those complaints. If they wanted anything done by a mechanic, they employed the mechanic who had been trained to do that thing. If he wanted a horse shod, he went to a blacksmith. If he wanted a coat made, he went to a tailor. But in this particular matter the province had acted on an entirely different principle. In managing this great institution, they did not look out for the best person they could find to place at its head--the person most celebrated in the treatment of lunatics--but they employed a hardware merchant and placed him in charge of all those unfortunate people. He had no reason to doubt that Dr. Workman was a most amiable man, but he might not be qualified on that account merely to fill the situation he now occupied. The feeling that the institution was not properly managed was very wide spread through the country, so much so that many persons in respectable circumstances would not send their relations who were afflicted in that manner there at all. He might mention one case which came within his own knowledge. A person was brought before him (Mr. S.) (sic) by his friends, being in a state that he could not be safely trusted alone. He procured a conveyance for the man and sent him down to the asylum, telling his friends that if any particular forms had to be observed he would see them properly executed and sent in to Toronto; next day he was astonished to see the man brought back<sup>52</sup> in very inclement weather<sup>53</sup>, and to be told that his friends were informed by Dr. Workman that he could not be



received unless certain forms were gone through with, the country being put to the expense of transporting him back and forward without the desired objects being attained.<sup>54</sup>

MR. POWELL, notwithstanding the defence of the institution by the hon. member for Haldimand and the hon. member for Montreal, believed that there was a strong feeling throughout the length and breadth of the land that the institution was managed inefficiently and badly. He did not think there was much of that courtesy and amiability eulogized by the member for Montreal, shown by Dr. Workman in stating in the public prints or in a document that was produced before the Police magistrate, that three medical gentlemen who gave the certificate to the woman Ward when (sic) actuated solely by the desire to obtain their paltry fee of one pound or one guinea. He thought the Inspector General should have come down and asked an appropriation for an additional institution, the present one being quite inadequate for the province.<sup>55</sup>

MR. AT. GEN. J.A. MACDONALD stated that the Government would lay before the House all the papers relating to the management of the institution. The Inspector General had brought down the present estimates merely with the view of meeting the immediate wants of the Asylum. The Visiting Commissioners had represented that it was absolutely indispensable that some provision should be made for its expenses. The Government should have answered the appeal of the Commissioners at once. But Parliament being immediately about to meet they thought it better in accordance with the pledge they had given the House, before the adjournment, to delay the appropriation till the money should be provided by vote of Parliament. He contended that the management of the Asylum ought not to be niggardly, and that it was not now extravagant. The cause of the increase of expenditure was to be found in the increased price of provisions. Besides with the increase of population there was of course an increase in the number of lunatics, and the vote must therefore be an annually increasing one. The only comfort was that there would be an annually increasing supply of taxation. As to the management, he agreed with the remarks of the honorable member for Montreal. He knew that the appointment of Dr. Workman did not meet general approval among certain medical gentlemen in Toronto<sup>56</sup>. He was admitted to be a man of good sound judgment but it was felt that for the Head of such an Institution a person of great experience should be chosen. That however, was past, and Dr. Workman had been at the head of the Institution for a considerable period, and he must say that he (Mr. M.) had carefully studied his reports, and had risen from a perusal of them with a very high idea of his qualifications, and he believed the country generally was now most favorably impressed with that gentleman's capacity. It was no wonder, however, that there were complaints against the Institution, when it was remembered that it had three times the number of inmates that it ought to have, which of course was not Dr. Workman's fault, but the fault of the Legislature. So crowded was the asylum that Dr. W. had been obliged to give up his own private apartments to furnish as much accommodation as possible for those unfortunate people. As to the case of Eliza Ward, they all knew that it must be a very difficult thing to find out in some cases whether the insanity was real or feigned. In some instances the only mode of detection was by locking up the parties in a cell where they believed they were alone, and keeping a continual eye upon them. He was not therefore surprised that Dr. Workman, who had had such ample opportunities for judging, should have arrived at a different conclusion from the other physicians.<sup>57</sup> He thought Dr. Workman's judgment was probably the most reliable of the two.<sup>58</sup>



MR. FERRES said the letter to which Mr. Powell alluded was a private one.<sup>59</sup> [He] offered some remarks in vindication of the conduct of Dr. Workman in the Eliza Ward case.<sup>60</sup>

DR. CLARKE said he believed Dr. Workman did his duty faithfully; but still there existed complaints, which it was the duty of the Government to inquire into.<sup>61</sup> [He] agreed with some of the previous speakers that there was one universal complaint against the management of the Institution, but assigned as a reason that more work was given to the medical Superintendent to do than could be performed by any one man.<sup>62</sup>

DR. ROLPH said it had been asserted that throughout the length and breadth of the land there were heavy complaints against the management of the Asylum. He believed the reverse was the case. In making those statements hon. members were confounding the complaints which used to be made some time ago with supposed dissatisfaction now. The time was when the Institution was managed in a manner that would have been disgraceful to the darkest age and the journals of this House would bear him out in saying so. But hon. gentlemen had no right to confound the just imputations against the Institution made in past times with what was its condition now. He was pleased to hear the very different and generous statements made by the Attorney General, who, instead of chiming in with the party feeling that existed in Toronto, had risen to take a view of the question as a Statesman and as a man. The hon. member for one of the ridings of York (Mr. Gamble) said he had been invited to attend the Asylum to investigate its condition. He erred in saying or leading the House to suppose that the invitation came from the medical superintendent. No; it came from the Commission[s]ioners who wished every member of Parliament within their reach to come and see how they did their duty<sup>63</sup>, so that the imputation made on the superintendent on that ground was unfounded.<sup>64</sup> But the hon. member said he did not attend because he knew that everything would be in its Sunday dress, that every corner would be nicely broomed and cleaned, in order that the visitors might be deceived. Was that fitting language to be employed in regard to the hon. gentlemen discharging the duties of commissioners of the Asylum? When those commissioners invited a member of this House to visit the Asylum, was it right for him to stand up here and say that there (sic) were influenced in so doing by mean and low and corrupt motives, and that instead of desiring a free and full investigation, they would conspire together to blind him.<sup>65</sup> Such an imputation was unworthy of a member of this House.<sup>66</sup> But the hon. gentleman mentioned that he had been a party to the transmission of an unfortunate lunatic, or supposed lunatic, to Toronto, with certain forms supposed to be conclusive as to his right of admission, and that the medical superintendent refused him admission, because the forms required by law had not been observed. The medical superintendent was only authorized to admit patients in accordance with the terms of the same statute under which he was appointed himself, and in refusing to admit a man on any other terms he acted most properly.<sup>67</sup> Did not the hon. Member know that, without such precautions as these, men with heads as clear as that of the honorable Member for Toronto himself, might be incarcerated (sic) for life.<sup>68</sup> The grossest injustice would be perpetrated if persons could be taken up and buried within the walls of a Lunatic Asylum without the forms of law, and he (Dr. R.) in framing the statute had taken the greatest pains to prevent the possibility of the incarceration of any individual without his being proved a lunatic, and without the forms of law being duly observed.<sup>69</sup> Again, alluding to an incidental remark of Mr. Gamble, he said that that gentleman seemed to think

very little of cleanliness; but did he not know that for want of that cleanliness, at a period when cholera did not approach within a 100 miles of Toronto, eighteen lunatics fell victims to that disease in the Asylum. The want of proper drainage was the cause of their death. Again, half the cases of insanity which occurred might be cured by attention and cleanliness.<sup>70</sup> Then they were told that the medical superintendent had refused to take in a woman who had been pronounced by some other medical gentlemen of Toronto to be insane. It had been well said by the Attorney General that it was a very difficult thing to detect feigned insanity, and there was no good reason why so much blame should have been thrown on the medical superintendent, who, after many months watching the manner, aspect, and deportment of this woman, came to the conclusion that she was not insane, although certified to be so by other medical gentlemen on a cursory examination. The hon. and learned gentleman from Toronto should not have allowed his political learning to influence him in giving more weight to the testimony of those gentlemen who had only seen the patient for half an hour, or perhaps an hour. Would he put such a testimony as that above a testimony founded on a careful observation from morning till night for months together? It would have been better had little or no notice been taken of the letter which led to so much discussion, and which had been sent not as a public document but as a confidential letter to the Police Magistrate to prevent frauds being perpetrated by feigned lunatics. One of the gentlemen who signed the certificate, Dr. Wright,<sup>71</sup> had told him that though he believed her to be mad when he signed it, he now thought himself mistaken, and gave as a reason for the probability of his being mistaken, the short opportunity he had to form an opinion.<sup>72</sup> He would not for a moment have his opinion compared in value with Dr. Workman's judgment formed under so much more favorable circumstances. More than that he was told that it was a matter of laughter among the servants in the Asylum that this woman could have been called mad. With respect to the ability of Dr. Workman which had been so much impugned, he must say that no man presented higher testimonials to the Government, in applying for the office, than Dr. Workman, and although there were applicants from Europe, of highly respectable character, he (Dr. R.) was not ashamed to say, however others might feel on the subject, that he was disposed to sustain the rising talent of our own country. He did not know from what country those had sprung who had thrown out those aspersions against Dr. Workman. He did not know whether the hon. and learned gentleman from Toronto was a native or a European, but he (Dr. R.) would be the last to say that he would not bestow on Canadian birth all that it deserved.<sup>73</sup>

MR. CAMERON, replied to the attacks which had been made on him from both sides of the House, in consequence of his having exercised his undoubted privilege as a member of the ... House to make certain remarks, not by any means in an offensive spirit, on the management of the Provincial Asylum, for which the Inspector General came down and asked a large amount of money. In consequence of those remarks it had fallen to the lot of the hon. gentleman on his left (Dr. Rolph) to read him a serious lecture, which came with a peculiarly bad grace from that hon. gentleman, whom, if they looked back a few years, they would find associated with a Government that on the ground of public notoriety alone, had not only censured but actually dismissed public officers from the situations they held. The Coalition Government must certainly have got something of the same element, to make the Attorney General forget the light in which he used to regard those things. The observations he (Mr. C.) had made were of a character so gentle as scarcely to warrant the animadversions which

had been passed on him. He had not even used the term mismanagement, but had said he hoped the Government would enquire into the management of the Institution, which he thought was loudly called for, when they found so large a number (sic) of the medical men of Toronto concurring in opinion that the person discharged from the Lunatic Asylum was really insane, contrary to the opinion of the medical superintendent who had discharged her as an impostor, that certainly was a matter calling for some observations. Dr. Workman had had a high character given him for humanity, but he did not think he could have a high character given him for discretion, and the defence offered by the hon. member for Norfolk that the letter was a private one which should not have found its way into the public prints, shewed that whatever humanity he might have, he was at all events wanting in discretion. If he were to follow Dr. Rolph in his line of remark, he might speak of the large number of ap[p]licants for the situation who produced testimonials of the highest possible character, and though he was not a Know Nothing, though he was not a native Canadian (sic), having had the honour of being born in France, and not one of that order who it appeared were in future to have all the places of emolument and honour--yet he readily agreed with the hon. gentlemen (sic) that those who had been born and brought up and received their education, in this country, other things being equal, were entitled to the consideration of those who had offices to confer. He would not have objected, therefore to Dr. Workman's appointment on that ground had he been as competent as the other applicants.<sup>74</sup>

MR. BELLINGHAM made a few remarks in vindication of Dr. Workman.<sup>75</sup>

MR. HINCKS said the House had been driven away from the immediate subject in hand. The member for Haldimand had stated that the Post Office was built with the funds raised for the Lunatic Asylum. The Inspector General had shown how absurd such a statement was. He found that the belief prevailed in Upper Canada that the Lunatic Asylum tax went into the Consolidated Revenue Fund. This was absurd. The money which was raised by a special tax for the Lunatic Asylum was appropriated exclusively to liquidate the building expenses of the Institution.<sup>76</sup> Afterwards when other buildings were required in Upper Canada, it was extended to them, that being thought better than to create several funds, distinct from each other.<sup>77</sup> Not a farthing of it was appropriated to the maintenance of the inmates of the Institution. For that purpose an appropriation was made from the Consolidated Revenue Fund.<sup>78</sup>

MR. MACKENZIE wished to know how it was that while the public money was appropriated for building a Normal School in Montreal, the Normal School in Toronto was built with the local moneys, nominally raised for the Lunatic Asylum.<sup>79</sup>

MR. HINCKS.--The Formal (sic) School in Lower Canada is to be built from the Jesuits Estates' Fund--which was as much a local fund as the Lunatic Asylum tax in Upper Canada. And he did believe that if the sums were examined which have been appropriated from the Consolidated Revenue Fund for local purposes in both sections of the Province, it would be found that the appropriations were made on a fair principle. With regard to the immediate question before the House, he thought that the Parliament, and perhaps the Government had not done its duty to the Lunatic Asylum--There had not been a sufficient allowance made by the Government for the increased expenditure which was necessitated in effecting such improvements as Dr. Workman had introduced. The Government had brought a very strong pressure to bear upon the Commissioners of the Lunatic Asylum, and the



Government was probably to blame for the improvements not being introduced by those who had the management of the Institution before Dr. Workman's appointment. He did not mean by this that great credit was not due to that gentleman, but he wished to point out what share of blame might attach to the Government.<sup>80</sup> The hon. member for Norfolk, however, if he understood him rightly, had made a curious blunder in speaking of Dr. Workman as a native Canadian, the fact being that Dr. W. and his brothers came from the County Down, the same district as he (Mr. H.) came from, and if he was not mistaken had arrived in Canada some time after he did. He (Mr. H.) was not a native Canadian, but his feelings as a Canadian were as strong as those of any man born in Canada, whether of British or of French origin. But he did not consider that the question of native Canadianism should come up in connection with a matter of this sort. With regard to the selection of the Superintend[ent] ... habitants of the country, to whom it was a matter of little importance whether the patronage of an office was given to a Canadian but a matter of infinite importance that Canadians who had the misfortune to be sent to the Asylum should have the best possible advice and attendance. (Hear, hear.) Allusion had been made to Dr. Workman's having been a hardware merchant, as if from that he had turned to the Medical Profession. The fact was, however, that he was originally educated as a Medical man, was a distinguished student in the College at Montreal, and took his degree there as a Medical man. Owing to circumstances of a private character, unnecessary to be mentioned, he embarked for some time in commercial life, and as a commercial man greatly distinguished himself. He afterwards resumed his profession and practised for some time before he was appointed to the Lunatic Asylum.<sup>81</sup> He would take occasion to refer to a subject which he had perhaps less delicacy in alluding to than when he occupied a seat on the Treasury benches.<sup>82</sup> The hon. gentleman concluded by expressing his opinion, that the best system for such Institutions was that which prevailed in Massachusetts and other States, the Lunatics and parties going into hospitals being supported either by their own friends, when able to support them, or by the municipality from which they came. He was free to admit that that was not as yet practicable, particularly as in Lower Canada the municipal system was not yet fairly wrought out--they could not have every thing in perfection at once, but he would look forward to the gradual improvement of the system.<sup>83</sup>

The House then divided on the motion to go into Committee<sup>84</sup>.

MR. INSP. GEN. CAYLEY moved that the sum of £14,000 be granted to Her Majesty for the support of the Provincial Lunatic Asylum in Canada West, being £1640 14 6 for the unprovided expenditure of 1854, and £12,359 5 6 for the year 1855. The hon. gentleman gave some details as to how these figures were made up, and<sup>85</sup> made a statement of the financial condition of the Asylum. The quarterly warrants for 1854 were as follows:--

31st March,.....	£2069	9	1
June,.....	3010	7	0
September,.....	3628	1	7
December,.....	2933	1	10

It was sufficient to account for the increased expenditure that every sort of provisions had risen in value during the year. The following statement of the expenses of Asylums in different States in 1853, will show that the expenditure of the Asylum in Toronto, so far from being extravagant, was much less than that of any similar Institution:--



	No. Patients.	Expenditure.	Average to each patient.
Hartford,	178	\$33,622	\$188.33
Pennsylvania,	229	53,044	231.63
Utica,	435	79,334	182.37
Butler,	136	25,590	188.16
Worcester,	320	53,636	103.15
Richmond,	377	47,736	126.65
Beauport, (L.C.)	289	29,768	121.88
Toronto, (U.C.)	373	<hr/>	84.00

The total amount of Debentures which have been issued on account of the Lunatic Asylum, are as follows:

Under Act 9 Vic. c. 61.....	£27,750	
Ditto 12 Vic. c. 32.....	5,000	
	<hr/>	£32,750
Of which were redeemed in		
1849.....	£6,000	
"      "      "      1852.....	2,500	
	<hr/>	£8,500

Balance unredeemed £24,250

On account of this balance there is a credit of £19,124 10s. 4½d.; and for the redemption of additional debentures issued under the Upper Canada Building Act, viz.:

For Lunatic Asylum.....	£15,000
For Normal School.....	15,000

The total cost of the Lunatic Asylum from the above statement will be.....	£32,750	0	0
Add, received on account of			
£15,000.....	13,168	13	6
Balance payable for £15,000.....	1,831	6	6
	<hr/>		
Total.....	£47,750	0	0

The amount of outstanding debentures is as follows:

Lunatic Asylum Fund.....	£24,250	0	0
Upper Canada Building Fund.....	30,000	0	0
	<hr/>		
Total debentures	£54,250	0	0

Out of the proceeds of the £30,000, there have been paid for building purposes £28,168 18s. 6d. There is to the credit of the funds arising from Lunatic Asylum assessment £19,124.<sup>86</sup>

The motion was granted without discussion.<sup>87</sup>

(621)

*The Honorable Mr. Cayley moved, seconded by the Honorable Mr. Attorney General Macdonald, and the Question being put, That this House will immediately resolve itself into a Committee to take into consideration the Message of His Excellency the Governor General transmitting to this House an Estimate of the*

sums required for the maintenance of the Provincial Lunatic Asylum at Toronto, for the past and present years, and that the said Estimate be referred to the said Committee; the House divided: and the names being called for, they were taken down, as follow:--

## YEAS.

Messieurs Aikins, Bell, Bellingham, Biggar, Blanchet, Cameron, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Cooke, Cook, Jean B. Daoust, Delong, Desaulniers, Donne, Dostaler, Attorney General Drummond, Infresne, Felton, Fergusson, Ferres, Ferrie, Flint, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Frazer, Galt, Gamble, Gill, Gould, Guévremont, Hartman, Hincks, Holton, Jackson, Labelle, Laporte, LeBoutillier, Lemieux, Lumsden, Macbeth, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, Mackenzie, Sir A.N. MacNab, McCann, Masson, Nattice, Neagher, Munro, Murney, Patrick, Polette, Poulin, Pouliot, Rhodes, Robinson, Roblin, Rolph, Solicitor General Ross, Sanborn, Scatcherd, Shaw, Solicitor General Smith, Somerville, Southwick, Spence, Taché, Thibaudeau, Turcotte, Wright, and Young.--(79.)

## NAYS.

Messieurs Bourassa, Bureau, Darche, Jean B.E. Dorion, Jobin, Laberge, Marchildon, Prévost, and Valois.--(9.)

So it was resolved in the Affirmative.

The House accordingly resolved itself into the said Committee; and after

(622)

some time spent therein, Mr. Speaker resumed the Chair; and Mr. Bellingham reported, That the Committee had come to a Resolution.

Ordered, That the Report be received on Monday next.

MR. FERRES, moved for certain papers relating to the contract of Messrs. McLean and McLarty. He had moved for some documents on the subject last fall<sup>88</sup>. The reason of its (sic) not being forthcoming did not lie with the Government but with the Contractors who had treated the order with indignity.<sup>89</sup> As those interested in giving them, or in withholding them, had not given them, he was now obliged to move for such papers as were at the disposal of the government. He had heard from outside report that there was a partner of the firm claiming to have the contract in this country during the winter, but he did not know it in an authoritative way until that morning, when he had a pamphlet signed R.A. Lamont, put into his hands. That pamphlet undertook to controvert the statement of the late commissioner of Public Works in his report; but he understood that that gentleman was not the authorized agent of the Company, and therefore he did not know whether his statements were official or not.<sup>90</sup>

MR. CHABOT then confirmed Mr. Ferres' statement as to the refusal of the contractors to furnish the information asked by a former motion in Parliament.<sup>91</sup> [He] desired nothing more than to have the papers sent down in order that it might be seen whether his report was or was not borne out by the facts. It could not be pretended that the contract had been fulfilled, perhaps however they might justify themselves so as to entitle them to the favour of the house. He was in favour of a steam route--even a weekly one, and thought the straits of Belleisle the shortest passage.<sup>92</sup>

MR. YOUNG felt that the gentlemen who had the contract were entitled to every consideration from the House. But for them the line would never have been established. It must be remembered that without assistance it was impossible to

have a line of steamers to the St. Lawrence while aid was granted in very large sums to lines running to Boston and New York. However, this company had, at least, shown that steamers could come to the St. Lawrence, especially through the straits of Belleisle, in less time than they could go to New York, and knowing the difficulties they had to contend with, he repeated they ought to meet with the most (sic) liberal treatment. Notwithstanding the obstruction of our river by ice, he had no doubt that owing to the early breaking up of the ice on the Lakes as compared with the New York Canals, that the St. Lawrence would yet be found the best spring route to the west.<sup>93</sup>

MR. INSP. GEN. CAYLEY stated that it being evident the contractors had not fulfilled their contract, the contract was, therefore, at an end. The Government were now making enquiries as to the best conditions to result in a new contract, and when they were satisfied as to that they would submit their plans to the House.<sup>94</sup>

MR. YOUNG said it was of great importance that the trips should not be discontinued.<sup>95</sup>

DR. MCDONALD urged that the whole country was dissatisfied with the non-compliance of the contractors with the terms of their bargain. He was therefore glad that the government would not deal with the gentleman who the member for Missisquoi said was unauthorized, and it would therefore not give the company a compensation for the failure to perform their contract. He was also glad that they meant to submit the documents to the House before deciding what to do, instead of deciding first and then forcing a vote.<sup>96</sup>

CAPT. RHODES urged liberality to the contractors. He had come out in one of their vessels and was proud, as a Canadian, at being able to do so. They had many difficulties to encounter and less payment than other lines with less difficulty.<sup>97</sup>

MR. GALT said that he thought the hon. member for East Missisquoi had gone too far in saying the gentleman at present in this Province, (Mr. Lamont,) had no power to treat for the firm of contractors. He understood he brought a letter of introduction to the Premier from the President of the Company. He understood he only asked payment for services performed.<sup>98</sup>

MR. INSP. GEN. CAYLEY said the gentleman was no doubt possessed of the views of the Company, but he brought no credentials authorizing him to bind them, or to authorize him to receive money on their behalf.<sup>99</sup>

MR. FERRES would be glad to support all similar enterprises, and when a proposition for this mail service, in which he could have confidence was laid before the House, it should have his hearty support. He was prepared to hear his hon. friend from Montreal support the firm with which he had himself contracted, but he was not prepared to hear him go so far as to assert that without them the service would not have been undertaken at all. The fact was, the giving of the contract to the Company had had the effect of preventing the earlier establishment of other more effective lines, and this was one of the evils of always accepting the lowest tender. In this case it had deprived other parties on this side of the ... ocean who, he understood were ready to undertake the contract, of the benefits arising from it, and the country of the benefit of their more efficient services. He appealed to the hon. member for Renfrew to state, if it was not the case, that other parties had made offers on

the subject who were likely to have conducted the service efficiently. This company had failed in its contract and treated the demand of the House contemptuously. Not being a resident here, nor having a responsible agent here that he knew of, they could not compel them to give it as if they were resident here. If they were misrepresented in any respect in the course of that discussion they had themselves to thank for it, for not giving correct information. He believed the Company as now organized, had exerted themselves to fulfil their contract, but the original contractors never were in a position to do so, and only took the contract on speculation to make money by its transfer to others.<sup>100</sup>

MR. YOUNG had heard shortly after the contract was given out that the contractors could not fulfil their contract, and were without means to fit out their vessels, but he had found the statement to be unfounded and had contradicted it then. He had traced it, he was sorry to say, to one of those who had unsuccessfully tendered for the contract. They owned the Cleopatra at the time the contract was entered into. It had been complained that the vessels were not of the contract size, the Cleopatra among the rest. Now, that was the model vessel in the dimensions of which the contract had been framed, and three of the vessels had been taken up by the British Government, as of the contract size<sup>101</sup> [OR] at the contract price.<sup>102</sup>

MR. HINCKS would not have spoken at all, as he thought this not the proper stage to discuss the matter, but for the appeal to him of the Hon. member for East Missisquoi. He had no doubt that the present Company was strong enough to carry out the contract, and no doubt that the gentleman alluded to as now in this country, properly represented their views. As to his legal power to contract, that was for the government to determine. No stigma, he thought, was to be attached to the firm who first contracted, because they were not able, single handed, to execute the contract. They were in the same position as Messrs. Jackson & Co., who contracted for the Grand Trunk Railway, who never pretended that they could build that road with their own means, but were to lay the scheme before the public of England to raise means. As for other parties offering, it was true that something was said on behalf of a highly responsible party, and a bonus of £10,000 talked of, but that was long before the time tenders were issued, and times had greatly altered in the interim. But the difficulty the government had to contend with now, as he conceived, was this: that two lines had been established by the enterprise of certain persons in Montreal and elsewhere, and boats building to perform voyages without bonus, which the present contractors were getting a bonus for, and the Company to which the contract had been transferred were not prepared to execute it without an increased bonus. In such a matter it would be for government to decide, after careful deliberation, what course it was prepared to recommend, and he was quite willing to leave it to their judgment.<sup>103</sup>

The address was then agreed to.<sup>104</sup>

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*On motion of Mr. Ferres, seconded by Mr. Sanborn,  
Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to direct to be laid before this House, copies of all Correspondence between the Government and Messieurs McKean and McLarty or their Agents, relative to their Contract for Steam service to England, and such other documents as may be necessary to show to this House the present position of the matter.*



*Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.*

*Ordered, That Mr. Valois have leave to bring in a Bill to amend and regulate the General Clauses relating to Railways.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.*

*Mr. Laberge, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Montmagny, informed the House, That James Ross and John P. Crysler, Esquires, Members of the Committee, were not present within one hour after the time appointed for the meeting of the said Committee, this day.*

*The Order of the House of yesterday, for the attendance of John William Gamble, Esquire, in his place in this House this day, being read;--And Mr. Gamble attending in his place;*

*Ordered, That the 84th Section of "The Election Petitions Act of 1851" be now read;--And the same being read;*

*Ordered, That John William Gamble, Esquire, being a Member of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the East Riding of the County of Brant, and not having been present within one hour after the time appointed for the meeting of the Committee, yesterday, be taken into the custody of the Serjeant-at-Arms attending this House, for such neglect of duty.*

*The Serjeant-at-Arms attending this House, informed the House, that he had taken John William Gamble, Esquire, into his custody.*

*Whereupon, the Honorable Mr. Cameron acquainted the House, that he was desired by Mr. Gamble to state, That he left Toronto en route for Quebec, on the morning of Monday last, being sufficiently early under ordinary circumstances to secure his arrival at the latter place in time to attend the sitting of the said Committee on Thursday the first day of March; that he was delayed on the way by the inclemency of the weather and severe snow drifts, by which the Railroad trains were prevented from keeping their usual time, and thus rendered it impossible for him to reach Quebec in season to attend the sitting of the said Committee; and the same having been verified upon Oath by Mr. Gamble;*

*On motion of the Honorable Mr. Cameron, seconded by Mr. Crawford,*

*Ordered, That John William Gamble, Esquire be discharged out of custody, without payment of Fees.*

*The Order of the day for taking into consideration the Reasons of absence of*

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*such Members as were not present at the Call of the House on Friday the twenty-seventh day of October last, being read;*

MR. SOL. GEN. H. SMITH moved to discharge it.<sup>105</sup>

MR. HOLTON.--Je crois que cet appel nominal avait été fait sur la question du Conseil Législatif, et puisqu'on veut le décharger du rôle, je suppose que le gouvernement a l'intention de faire un nouvel appel, la question n'étant pas encore réglée. Le gouvernement voudra bien sans doute nous donner quelques nouvelles explications à ce sujet.<sup>106</sup>

MR. SOL. GEN. H. SMITH.--Il n'y a aucune nouvelle explication à donner, et je demande de décharger l'ordre du jour, seulement parce qu'il est maintenant inutile d'y donner suite, et parce que l'autre ordre du jour semblable, relativement à la question du siège du gouvernement, a été déchargé.<sup>107</sup>

MR. J.S. MACDONALD said the call was for the Legislative Council Bill.<sup>108</sup>

MR. MACKENZIE.--L'administration précédente avait un bill tout préparé pour rendre le Conseil Législatif Electif, et cependant voici l'hon. membre pour Verchères, M. Cartier, qui dit expressément qu'il voulait absolument que les membres du conseil législatif possédassent une qualification foncière de £2,000 au moins. Et pourtant on vient nous dire gravement qu'il n'y a eu aucun changement de principes dans la formation de la nouvelle administration. Si cela n'est pas un changement de principes, qu'est-ce donc?<sup>109</sup>

MR. SICOTTE the SPEAKER.--Je ne puis permettre la discussion sur ce sujet à présent.<sup>110</sup>

MR. POST. GEN. SPENCE.--J'espère que M. l'Orateur me permettra de répondre un mot à l'hon. membre pour Haldimand, et ce mot servira d'explications. L'hon. membre affecte de douter de la sincérité du gouvernement sur la question du conseil législatif comme il en a douté sur les questions des Réserves, de la Tenure Seigneuriale, etc. Je lui dirai donc que le gouvernement n'a pas du tout l'intention de laisser tomber le bill pour rendre le Conseil Législatif Electif, mais qu'il présentera un bill sur ce sujet qui, je l'espère, satisfera les membres de toutes les parties de la chambre ainsi que le pays. L'hon. membre affecte de tenir beaucoup à cette question, ainsi que les autres membres de l'autre côté de la chambre, mais il est clair que ce qu'ils en font n'est que dans le but de renverser la machine qu'on appelle le gouvernement.<sup>111</sup> He hoped they would give it that earnest consideration and cordial support which, as reformers, would be expected from them.<sup>112</sup>

MR. MACKENZIE.--The sooner you give it the sooner I can vote for it.<sup>113</sup>

MR. PRES. EX. COUN. MACNAB.--Oh! vous avez encore le tems.<sup>114</sup>

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*Ordered, That the said Order of the day be discharged.*

*A Bill to incorporate the Educational and Evangelical Society established at La Grande Ligne, in the District of Montreal, was, according to Order, read the third time.*

*Resolved, That the Bill do pass, and the Title be, "An Act to incorporate the Evangelical Society established at La Grande Ligne, in the District of Montreal, for the purposes of Education and Religious Instruction."*

*Ordered, That Mr. DeWitt do carry the Bill to the Legislative Council, and desire their concurrence.*

*A Bill to repeal so much of any Law in force in Lower Canada as authorizes the sale of any property by the authority of Justice on Sundays, was, according to Order, read the third time.*

*Resolved, That the Bill do pass, and the Title be, "An Act to amend so much of any Law in force in Lower Canada, as authorizes the sale of any property by the authority of Justice on Sundays."*

*Ordered, That Mr. DeWitt do carry the Bill to the Legislative Council, and desire their concurrence.*

A motion for adjournment being put,--

MR. PRES. EX. COUN. MACNAB took the opportunity to state that he was prepared on the part of the government to introduce a Militia Bill, but thought it better to give time for an examination of the report of the Commissioners on which it was based, by the public, and in discussion by the press. For that purpose the report had been laid on the table of the House at the earli[e]st possible moment.<sup>115</sup> Il annonce en même tems que le gouvernement acceptera avec plaisir toute suggestion de la part des membres à ce sujet, afin qu'il puisse préparer un bill qui conviendra à tout le monde.<sup>116</sup>

MR. J.S. MACDONALD said that he thought Government should be prepared to lay their measure before Parliament and have it discussed afterwards. With regard to the report, he was happy to say, while reserving his opinion with regard to the suggestions contained in it, that it was most ably drawn and so clearly expressed that he who runs might read.<sup>117</sup>

MR. INSP. GEN. CAYLEY announced that he had just received a telegraphic communication from Washington announcing the passage of the Return of Duties Bill in connection with the Re[ci]procity treaty<sup>118</sup>.

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*Then, on motion of Mr. Thomas Fortier, seconded by Mr. Mattice,  
The House adjourned until Monday next.*

APPENDIX: 2 MARCH 1855.

[NOTICE OF MOTION FOR BILL TO AMEND THE JUDICATURE ACT OF LOWER CANADA.]

MR. C. DAOUST (Beauharnais) [donne avis que] mardi prochain [il fera motion pour un] Bill pour amender l'acte de judicature au Bas-Canada.<sup>119</sup>

[NOTICE OF MOTION RE: BILL TO ESTABLISH A REGISTRY OFFICE IN BEAUHARNOIS.]

MR. C. DAOUST (Beauharnais) [donne avis que] mardi prochain [il fera motion pour un] Bill pour établir un bureau d'enregistrement dans la municipalité No. 1 du comté de Beauharnais.<sup>120</sup>

[NOTICE OF MOTION RE: BILL TO ABOLISH POSTAGE ON NEWSPAPERS.]

MR. POST. GEN. SPENCE [donne avis que] vendredi prochain [il fera motion pour un] Bill pour l'abolition des frais de port sur les papiers nouvelles, et pour d'autres objets se rattachant à l'administration du département des postes.<sup>121</sup>

[NOTICE OF MOTION RE: SEIGNIORIAL TENURE BILL.]

MR. POULIOT [donne avis que] mercredi prochain [il] proposera qu'il lui soit permis d'introduire un bill intitulé: "Acte pour amender l'acte seigneurial de 1854, et étendre certaines dispositions du dit acte à la seigneurie de Lauzon."<sup>122</sup>

[NOTICE OF MOTION: THAT JURORS IN CRIMINAL CASES BE PAID BY STATE AND AN ADDRESS RE: THE SAME.]

MR. TURCOTTE [donne avis que] mercredi prochain [il] proposera de résoudre comme étant d'opinion de cette chambre:

1. Que tous les frais de l'administration de la justice non payés par les parties doivent être supportés par l'état et que tout individu non rétribué autrement, et dont les services sont requis par la loi pour la due administration de la justice, tels que les jurés en matière de juridiction criminelle, doit être rétribué ou indemnisé par l'état pour tels services, à même les derniers (sic) publics.

2. Qu'il soit présenté une humble adresse à son excellence, le priant de vouloir bien recommander à cette chambre d'approprier telle partie ou montant des derniers (sic) publics de cette province que son excellence croira suffisante (sic) pour mettre à effet le principe énoncé en une résolution précédente, relativement au paiement des jurés en matière de juridiction criminelle.<sup>123</sup>

[NOTICE OF MOTION FOR AN ADDRESS ORDERING DOCUMENTS RE: CERTAIN LANDS IN ORFORD GRANTED TO HEIRS OF W.B. FELTON.]

MR. J. DORION (Drummond et Arthabaska) [donne avis que] mercredi prochain [il fera motion pour une] adresse demandant copie de tous papiers, documents, correspondances et rapports du protonotaire de la cour supérieure pour le district de St. François, relativement aux poursuites ou informations portées par le procureur-général de sa majesté pour l'annulation de patentes donnant droit à des terres dans le township d'Oxford (sic), accordées aux héritiers de feu



l'honorable William Bowman Felton, et de tous papiers, documents et correspondances relativement à la remise au gouvernement, ou à la vente, ou exposition en vente par qui que ce soit, des lots ou d'aucun des lots de terres qui suivent, dans le township d'Oxford (*sic*) dans le district de St. François:--

Lots 16, 17, 18, 19, 20, dans le 6e rang.

" 16, 17, 18, 19, 20, 21, dans le 7e rang.

" 16, 17, 18, 19, 20, 21, dans le 8e rang.

" 16, 17, 18, 19, 20, 21, dans le 18e rang.<sup>124</sup>

[NOTICE OF QUESTION RE: LEGISLATIVE COUNCIL BILL.]

MR. FOLEY [donne avis que] lundi prochain [il demandera] si le ministère se propose de procéder avec son bill pour rendre le conseil législatif électif, ou de changer la constitution de ce corps.<sup>125</sup>

[NOTICE OF QUESTION RE: SEPARATE SCHOOLS IN UPPER CANADA.]

MR. FOLEY [donne avis que] lundi prochain [il demandera] si le ministère se propose d'introduire, durant cette session, quelque mesure pour la meilleure direction ou l'abolition des écoles séparées dans le Haut-Canada.<sup>126</sup>

[QUESTION AND ANSWER RE: GRANT TO COMMON SCHOOLS.]

MR. J. DORION (de Drummond) demande si c'est l'intention du ministère d'augmenter l'aide provinciale pour le soutien des écoles communes pour l'année 1855, et si c'est le cas, dans quelle proportion?<sup>127</sup>

MR. INSP. GEN. CAYLEY répond que telle est l'intention du ministère, mais qu'il n'y a encore rien de décidé quant à la proportion de l'augmen[tation].<sup>128</sup>  
The amount would be stated in the estimates which would shortly be sent down.<sup>129</sup>

[QUESTION AND ANSWER RE: ELECTIVE MAGISTRATES.]

MR. LABERGE demande au ministère, si c'est son intention de proposer une mesure, soit pour rendre les juges de paix électifs directement par le peuple, ou soit pour pourvoir à ce qu'ils soient nommés par le gouvernement, seulement sur pétition des électeurs de chaque localité à cet effet.<sup>130</sup>

MR. AT. GEN. DRUMMOND répond que le gouvernement n'a aucune mesure de ce genre à proposer.<sup>131</sup>

[QUESTION AND ANSWER RE: TUG BOATS BELOW QUEBEC.]

MR. GALT demande au ministère si c'est son intention d'offrir au concours public l'établissement d'une ligne de vaisseaux remorqueurs en bas de Québec pour la saison de 1855.<sup>132</sup>

MR. COM. PUB. WORKS LEMIEUX répond qu'il y a déjà un contrat de fait avec M. Baby depuis dix-huit mois, mais que le gouvernement soumettra à la chambre des modifications à ce contrat.<sup>133</sup>

[QUESTION AND ANSWER RE: BRIDGE OVER DELISLE RIVER.]

DR. MASSON demande au ministère si l'intention du gouvernement est de réparer ou reconstruire le pont de la rivière Delisle, ci-devant bâti par les autorités militaires près du fort du Côteau du Lac.<sup>134</sup>

MR. COM. PUB. WORKS LEMIEUX répond que le gouvernement n'a pas l'intention de le faire.<sup>135</sup>

[QUESTION AND ANSWER RE: BRIDGE OVER RIVIÈRE ROUGE IN GRENVILLE.]

MR. BELLINGHAM [asked] whether it was the intention of the Ministry to fulfil the intentions of a Committee of the House of Assembly of Lower Canada, expressed in a report in the Session of 1832, to devote £1,240 to bridging of the Red River in the township of Grenville.<sup>136</sup>

MR. COM. PUB. WORKS LEMIEUX said the Government could not base any motion on that report but consider the case on its own merits.<sup>137</sup>

[QUESTION AND ANSWER RE: BRIDGE OVER RIVIÈRE DU NORD.]

[MR. COM. PUB. WORKS LEMIEUX] also made a similar answer to a similar question from the same gentleman [Mr. Bellingham], respecting an appropriation by the same House of Assembly, in 1834, of £400, for a bridge over the river Du nord, at the top of the Sault rapids, above the Mills of La Chute in the Seignory of Argenteuil.<sup>138</sup>

[QUESTION AND ANSWER RE: MILITIA CLAIMS.]

MR. LABERGE demande au gouvernement, si c'est son intention de proposer l'appropriation de quelque somme d'argent pour payer les réclamations des miliciens qui n'ont pas encore été payés; ou si ces miliciens ne doivent rien attendre du gouvernement actuel?<sup>139</sup>

MR. COM. CR. LANDS CAUCHON répond qu'il y avait une loi pour cet objet, mais que cette loi est maintenant expirée;--que les miliciens qui ont filé (sic) leurs réclamations avant l'expiration de la loi seront payés, mais que ceux qui ne l'ont pas fait ne le seront pas.<sup>140</sup>

[WITHDRAWN MOTION RE: COMMITTEE ON PUBLIC LANDS.]

MR. GALT, seconded by MR. J.S. MACDONALD (Glengary) moved that the Honourable Mr. Cauchon be added to the committee on Public Lands. The mover explained that the object of the motion was to substitute on the committee the present for the late Commissioner of Crown Lands (Mr. Morin).<sup>141</sup>

MR. COM. CR. LANDS CAUCHON declined being placed on the committee. He did not wish to be put in the position of a judge on the conduct of his own department.<sup>142</sup>

After some conversation, the motion was withdrawn.<sup>143</sup>

[WITHDRAWN MOTION RE: PATRIOTIC FUND.]

CAPT. RHODES moved that the Provincial Secretary be requested to report to this House the different sums of money contributed in this province towards the Patriotic Fund, specifying the different localities where money has been raised, and whether such amounts are the result of private charity or otherwise. He stated that his object was to ascertain how much had been voted by municipalities, and how much had been contributed by what he conceived to be the better mode of voluntary subscriptions.<sup>144</sup>

MR. PRES. EX. COUN. MACNAB hoped the honorable gentleman would withdraw his motion, firstly, because the information could not be furnished, the Provincial Secretary not being in possession of it, and, secondly, because the subscriptions throughout the province were not yet completed, but were still in progress.<sup>145</sup>

The motion was accordingly withdrawn.<sup>146</sup>

FOOTNOTES: 2 MARCH 1855.

1. LE PAYS, 8 March 1855.
2. GLOBE, 9 March 1855.
3. LE PAYS, 8 March 1855. GLOBE, 9 March 1855, and Scrapbook Hansard (2 March 1855), have a different order of speakers with Mr. Foley reported after Capt. Rhodes.
4. GLOBE, 9 March 1855.
5. Scrapbook Hansard (2 March 1855).
6. LE PAYS, 8 March 1855.
7. GLOBE, 9 March 1855.
8. LE PAYS, 8 March 1855.
9. GLOBE, 9 March 1855.
10. IBID.
11. IBID.
12. GLOBE, 9 March 1855, adds: "The motion was negatived, only 12 or 15 voting for it."
13. TORONTO DAILY LEADER, 9 March 1855.
14. LE PAYS, 8 March 1855.
15. Scrapbook Hansard (2 March 1855). TORONTO DAILY LEADER, 9 March 1855, and GLOBE, 9 March 1855, do not report that Mr. Fournier opposed both the motion and amendment, but state that he opposed the motion. In contrast, LE PAYS, 8 March 1855, reports he opposed the amendment.
16. LE PAYS, 8 March 1855.
17. GLOBE, 9 March 1855.
18. TORONTO DAILY LEADER, 9 March 1855.
19. LE PAYS, 8 March 1855.
20. IBID.
21. Scrapbook Hansard (2 March 1855).
22. GLOBE, 9 March 1855.
23. Scrapbook Hansard (2 March 1855).
24. GLOBE, 9 March 1855.
25. IBID.
26. Scrapbook Hansard (2 March 1855).
27. GLOBE, 9 March 1855.
28. Scrapbook Hansard (2 March 1855).
29. GLOBE, 9 March 1855.
30. Scrapbook Hansard (2 March 1855).
31. IBID.
32. TORONTO DAILY LEADER, 9 March 1855.
33. Scrapbook Hansard (2 March 1855).
34. GLOBE, 9 March 1855.
35. Scrapbook Hansard (2 March 1855).
36. TORONTO DAILY LEADER, 9 March 1855.
37. Scrapbook Hansard (2 March 1855).
38. LE PAYS, 8 March 1855.
39. TORONTO DAILY LEADER, 9 March 1855.
40. GLOBE, 9 March 1855.
41. TORONTO DAILY LEADER, 9 March 1855.
42. Scrapbook Hansard (2 March 1855).
43. GLOBE, 9 March 1855.
44. IBID.



45. TORONTO DAILY LEADER, 9 March 1855.
46. GLOBE, 9 March 1855.
47. Scrapbook Hansard (2 March 1855).
48. GLOBE, 9 March 1855. TORONTO DAILY LEADER, 9 March 1855, TORONTO DAILY LEADER, 10 March 1855, and GLOBE, 9 March 1855, refer to the patient under discussion as Eliza Ward. LE PAYS, 8 March 1855, HAMILTON SPECTATOR, 14 March 1855, and MONTREAL GAZETTE, 6 March 1855, report her name as Eliza Warner. Scrapbook Hansard (2 March 1855), reports it as Eliza Warren.
49. Scrapbook Hansard (2 March 1855).
50. TORONTO DAILY LEADER, 9 March 1855.
51. GLOBE, 9 March 1855.
52. IBID.
53. Scrapbook Hansard (2 March 1855).
54. GLOBE, 9 March 1855.
55. IBID.
56. TORONTO DAILY LEADER, 9 March 1855.
57. GLOBE, 9 March 1855.
58. Scrapbook Hansard (2 March 1855).
59. IBID.
60. GLOBE, 9 March 1855.
61. TORONTO DAILY LEADER, 9 March 1855.
62. GLOBE, 9 March 1855. Scrapbook Hansard (2 March 1855) reports a similar comment by Dr. Clarke, but places his speech after Mr. Cameron replies to Dr. Rolph.
63. GLOBE, 9 March 1855.
64. Scrapbook Hansard (2 March 1855).
65. GLOBE, 9 March 1855.
66. TORONTO DAILY LEADER, 9 March 1855.
67. GLOBE, 9 March 1855.
68. Scrapbook Hansard (2 March 1855).
69. GLOBE, 9 March 1855.
70. Scrapbook Hansard (2 March 1855).
71. GLOBE, 9 March 1855.
72. Scrapbook Hansard (2 March 1855).
73. GLOBE, 9 March 1855.
74. IBID.
75. IBID.
76. TORONTO DAILY LEADER, 9 March 1855.
77. Scrapbook Hansard (2 March 1855).
78. TORONTO DAILY LEADER, 9 March 1855.
79. IBID.
80. IBID.
81. GLOBE, 9 March 1855. The ellipsis represents elligible words.
82. TORONTO DAILY LEADER, 9 March 1855.
83. GLOBE, 9 March 1855.
84. TORONTO DAILY LEADER, 9 March 1855.
85. GLOBE, 9 March 1855.
86. TORONTO DAILY LEADER, 9 March 1855.
87. IBID.
88. MORNING CHRONICLE, 6 March 1855.
89. TORONTO DAILY LEADER, 9 March 1855.
90. MORNING CHRONICLE, 6 March 1855.
91. TORONTO DAILY LEADER, 9 March 1855.

92. MORNING CHRONICLE, 6 March 1855.
93. IBID.
94. IBID.
95. IBID.
96. IBID.
97. IBID.
98. IBID.
99. IBID.
100. IBID.
101. IBID.
102. HAMILTON SPECTATOR, 14 March 1855.
103. MORNING CHRONICLE, 6 March 1855.
104. MORNING CHRONICLE, 6 March 1855. TORONTO DAILY LEADER, 9 March 1855, reports that "The motion was then withdrawn." If this information were correct, the item would not appear in the JOURNALS.
105. MORNING CHRONICLE, 6 March 1855.
106. LE PAYS, 8 March 1855.
107. IBID.
108. MORNING CHRONICLE, 6 March 1855.
109. LE PAYS, 8 March 1855.
110. IBID.
111. IBID.
112. MORNING CHRONICLE, 6 March 1855.
113. IBID.
114. LE PAYS, 8 March 1855.
115. MORNING CHRONICLE, 6 March 1855.
116. LE PAYS, 8 March 1855.
117. HAMILTON SPECTATOR, 14 March 1855.
118. MORNING CHRONICLE, 6 March 1855.
119. LE PAYS, 8 March 1855. It is not clear whether this item was put on Notice Paper March 2 or on March 5, 1855. MONTREAL GAZETTE, 9 March 1855, contains a commentary, dated 5 March 1855, which also contains this Notice of Motion.
120. LE PAYS, 8 March 1855.
121. LE PAYS, 8 March 1855. It is not clear whether this item was put on Notice Paper March 2 or on March 5, 1855. MONTREAL GAZETTE, 9 March 1855, contains a commentary, dated 5 March 1855, which also contains this Notice of Motion.
122. LE PAYS, 8 March 1855.
123. LE PAYS, 8 March 1855. It is not clear whether this item was put on Notice Paper March 2 or on March 5, 1855. MONTREAL GAZETTE, 9 March 1855, contains a commentary, dated 5 March 1855, which also contains this Notice of Motion.
124. LE PAYS, 8 March 1855. The township in which the heirs of W.B. Felton were granted land was Orford, not Oxford as LE PAYS has mistakenly reported.
125. LE PAYS, 8 March 1855.
126. IBID.
127. IBID.
128. IBID.
129. Telegraph (TORONTO DAILY LEADER, 3 March 1855).
130. LE PAYS, 8 March 1855.
131. IBID.

- 132. IBID.
- 133. IBID.
- 134. IBID.
- 135. IBID.
- 136. Telegraph (TORONTO DAILY LEADER, 3 March 1855). Telegraph (LE PAYS, 3 March 1855), states that a committee of the House of Assembly made its report on this subject in the Session of 1852. This does not correspond to the other newspaper accounts. Furthermore, there appears no mention of this report in the Index to the JOURNALS of 1852.
- 137. Telegraph (TORONTO DAILY LEADER, 3 March 1855).
- 138. Telegraph (TORONTO DAILY LEADER, 3 March 1855). Telegraph (LE PAYS, 3 March 1855), states that a committee of the House of Assembly made its report on this subject in the Session of 1852. This does not correspond to the other newspaper accounts. Furthermore, there appears no mention of this report in the Index to the JOURNALS of 1852.
- 139. LE PAYS, 8 March 1855.
- 140. IBID.
- 141. GLOBE, 9 March 1855.
- 142. IBID.
- 143. IBID.
- 144. IBID.
- 145. IBID.
- 146. IBID.

MONDAY, 5 MARCH 1855.

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MR. SPEAKER laid before the House, Accounts of the Supervisor of Cullers for the year 1854, pursuant to the directions of the Act 8 Vic. cap. 49.

For the said Accounts, see Appendix (U.)

And also, Statement of the affairs of the Trafalgar, Esquesing and Eric Road Company, to 31st of December, 1854.

For the said Statement, see Appendix (F.F.)

The Serjeant-at-Arms attending this House, informed the House, that he had been unable to comply with the Order of the House of Thursday last, for taking into his custody James Ross and John P. Cryslar, Esquires, in consequence of their absence from this City.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Church,--The Petition of Alexander McCrea and others, of the District of Johnstown.

By Mr. Charles Daoust,--The Petition of Robert Simpson, Esquire, and others, of the County of Argenteuil.

By Mr. Southwick,--The Petition of Jesse Kipp and others, of Sparta and its vicinity; and the Petition of the Port Bruce Harbour Company.

By Mr. Bureau,--The Petition of the Reverend F. Rochette and others, of the Parish of Lacolle, County of St. John's.

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By Mr. Dionne,--The Petition of the Reverend J. Bte. Gagnon and others, of the Parishes of St. George de Kakouna and St. Jean Baptiste de L'Isle Verte.

By Mr. Chisholm,--The Petition of James Young, Reeve, and others, of the Township of Esquesing.

By Mr. Foley,--The Petition of Messieurs J.H. Jones and Company, and others, of the Village of Vienna and of Port Burwell, Merchants and Traders; and the Petition of the Reverend Richard Whitwell and others, of the Village of Philipsburg.

By Mr. Holton,--The Petition of the Sherbrooke Library Association and Mechanics' Institute.

By Mr. Jackson,--The Petition of the Reverend John Lacey, President, and William Lawson, Secretary, in behalf of the Primitive Methodist Church in Canada, in annual Conference assembled.

By Mr. Lyon,--The Petition of Osgood Division, No. 3, of the Order of the Sons of Temperance.

By Mr. Ferres,--The Petition of Firmin Perrin, of Berthier; and the Petition of Sheldon Wells and others, of Farnham, and other Townships, County of Shefford.

By Mr. Thomas Fortier,--The Petition of Phelix Kiernan and others, of the Parish of Ste. Monique and other places.

By Mr. Turcotte,--The Petition of the Reverend L. Aubry and others, of the Parish of St. Léon and other places.

By Mr. Bureau,--The Petition of Patrick Sloan and others, of the County of Napierville.

By Mr. Darche,--The Petition of Joseph Massé and others, of the Parish of Chambly, County of Chambly, Censitaires.

By Mr. Felton,--The Petition of the Reverend G.L.E. Duhault and others, of the Township of Wotton, County of Wolfe.



By Mr. Brodeur,--The Petition of M.D.M. Lapierre, Esquire, Notary Public, of St. Hugues de Ramsay, County of Bagot.

By Mr. Frazer,--The Petition of the Reverend Alexander Stanley and others, of the Village of Thorold.

By the Honorable Mr. Chauveau,--The Petition of Joseph Hamel and others, of the County of Quebec.

By the Honorable Sir Allan N. MacNab,--The Petition of the Mayor, Aldermen and Commonalty of the City of Hamilton.

By Mr. Powell,--The Petition of Henry Clark Grant and others, of the Township of Marlborough, County of Carleton.

By Mr. Alleyn,--The Petition of Messieurs Babineau and Gaudry, and others, Merchants, and others interested in the Trade and Navigation of the River St. Lawrence.

By Mr. Pouliot,--The Petition of J.M. Hudon, of St. Louis de Kamouraska, Esquire, Advocate.

By Mr. Chapais,--The Petition of Jean Thomas Béchard, of St. Louis de Kamouraska, Esquire, Notary; and the Petition of Florence DeGuise, Octave Dupuy and Philippe Gauvreau, of the Parishes of Ste. Anne de la Pocatière and Mont Carmel, and of the Township of Ixworth.

Pursuant to the Order of the day, the following Petitions were read:--

Of Aaron Oliphant and others, of the Counties of Halton, Peel and York; and of Thompson Smith and others, of the Counties of Halton, Peel and York; praying for the passing of a Law to protect their property, which extends to the waters of Lake Ontario, from injury.

Of Alexander Brown and others, of the Township of Esquesing, County of Halton; of Thomas Locker, Reeve, and others, of the Township of Malahide; of

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Robert G. Garner and others, of the Township of Malahide; of Jonathan Fulford and others, of the County of Leeds, members of the East Brant Division, No. 387, of the Order of the Sons of Temperance; and of Frederick Belfoy and others, of the Town of Prescott; praying for the passing of a Prohibitory Liquor Law.

Of the Municipality of the Village of Caledonia; praying for amendments to the Municipal Act 16 Vic. cap. 181, sec. 23.

Of S.J. LeBlanc, of La Baie du Febvre, Teacher; praying for a pension in consideration of his long services as a School Teacher.

Of Antoine Guay, of the Parish of Malbaie, yeoman; of Louis Lavoie, of the Parish of Les Eboulements, Notary; and of John McLaren, of the Parish of St. Fidèle, County of Saguenay; praying that they may be discharged from the custody of the Serjeant-at-Arms.

Of Alfred A. Baker and others, Clerks of Division Courts in the County of Wellington; praying for an alteration in the Tariff of Fees.

Of Sidney W. Gillett, of the Town of Constable, State of New York, Merchant, setting forth; that in 1842, he became the Assignee of a Contract entered into by Augustus Martin, of Constable, for the construction of a Bridge over the South East Channel of the Chateauguay River, and certain Roads, in pursuance of a By-Law of the Council of the then Municipal District of Beauharnois,--that on the 11th May, 1854, the said work was accepted and received by the proper Municipal Officers as finished, and has since then been used by the Public, but that he has not received the stipulated sum for the said work; and praying that he may be authorized to sue the present Municipal authorities to obtain the amount of his claim.

Of the Reverend F.X. Delâge and others, School Commissioners, and others, of the Municipality of the Parish of L'Islet; praying for an aid in behalf of a Female Educational Establishment in the said Parish.

Of the Reverend Antoine Gosselin and others, of the Island of Orleans and other places; praying aid for the construction of a Wharf.

Of Thomas Williams, Trustee, and others, Members of the First Colored Calvinist Baptist Church of Toronto; praying for the passing of an Act to authorize certain alterations in their Deed of Trust for the management of the affairs of said Church.

Of the Right Reverend the Lord Bishop of Montreal, and others, Trustees of the Diocesan School at St. John's, Lower Canada; praying for an aid in behalf of the said School.

Of Jacques Viger, Esquire, President, and the Very Reverend A.F. Truteau, Secretary, on behalf of the Association of the School of St. Jacques, Montreal; praying for an additional aid in behalf of the said School.

Of D.T. Hughes, Chairman, in behalf of the Board of Trustees of the St. Thomas County Grammar School, of the County of Elgin, setting forth; that they are in possession of a certain parcel of land surrendered to the Crown by Hercules Burwell, of London, Upper Canada, Esquire, which surrender, they are informed, has never been formally accepted, nor the trust intended to be created ever assumed by the Crown; and praying for an Act to declare the said land to be vested in the Board of Trustees of the St. Thomas County Grammar School, with power to sell, convey, or lease the same, to procure funds for the purchase of a more commodious site for a School.

Of Sister Jauron, Superior, and others, Sisters of Charity in charge of the Hôtel-Dieu Hospital of St. Hyacinthe; praying for aid in behalf of the said Hospital.

Of C.H. Appleton and others, of Aurora, setting forth; that an extra Toll-gate has been placed on Yonge Street, about half-a-mile from the Village of

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Aurora, and only a mile and three-quarters from an old established Toll-gate, at both of which Tolls are collected; and praying for the removal of the said extra Toll-gate.

Of the Provisional Municipal Council of the County of Welland; of the Municipality of the Village of Thorold; of the Municipality of the Township of Thorold; of the Municipality of the Township of Wainfleet; of the Municipality of the Township of Humberstone; and of the Municipality of the Township of Pelham; praying for the construction of a Branch Canal or Lateral Cube from the Village of Thorold to the north of the Niagara River, at or near the Town of Niagara.

Of the Reverend Ambroise Giroux, of the Parish of St. Benoit, District of Montreal; representing that the Sisters of Charity have erected an Asylum for the reception of the poor, the sick, and the infirm, and for the education of young girls, in the said Parish; and praying for an aid in behalf of the said Institution.

Of Simon Octeau, Mayor, and others, of the Parish of St. Joseph de la Pointe Lévi; praying for aid in behalf of a Female Educational Establishment in the said Parish.

Of the Reverend H. Routier and others, Commissioners of the School Municipality of St. Joseph de la Pointe Lévi; praying for aid in behalf of an Academy in the said Municipality.

Of the Municipal Council of the County of Brant; praying that Grammar Schools, and the Funds set apart for their support, may be placed under the control of County Councils, with the power of dividing Counties into Grammar School Circuits, establishing a Grammar School within each, and uniting with them the Common Schools within such Districts.

Of the Municipality of the Township of Darlington, County of Durham; praying for the passing of an Act to regulate Boundary Lines and to define Road Allowances.

Of Daniel Capistran and others, of the County of Richelieu; praying for certain amendments to the Seigniorial Act of 1854.

Of Edouard Tremblay, John McLaren, Louis Lavoie, and Antoine Guay; praying that Messieurs Lelievre and Angers may be heard at the Bar of the House, on Monday next, as Counsel on their behalf, in answer to the charges brought against them as Deputy Returning Officers at the late Election for the County of Saguenay.

Of Augustin Lavallée and others, of the Concession of Chenal du Moine, Municipality of Sorel, County of Richelieu; complaining that they are compelled to labor on a Road out of the limits of their Municipality, to wit: within the Municipality of the Town of William Henry; and praying that they may be exempted from such labor.

Ordered, That the Petition of the Provisional Municipal Council of the County of Welland; the Petition of the Municipality of the Village of Thorold; the Petition of the Municipality of the Township of Thorold; the Petition of the Municipality of the Township of Wainfleet; the Petition of the Municipality of the Township of Humberstone; and the Petition of the Municipality of the Township of Pelham, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Mr. Alley reported from the Select Committee on the Bill from the Legislative Council, intituled, "An Act to prohibit Interments in certain Burial Grounds in the City of Quebec," That the Committee had gone through the Bill, and directed him to report the same without any amendment.

Ordered, That the Bill be committed to a Committee of the whole House, for Monday next.

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Mr. Murney, from the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, informed the House, That James Smith, Esquire, a Member and the Chairman of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, this day.

Ordered, That James Smith, Esquire, do attend in his place in this House To-morrow.

Mr. Jobin, from the Standing Committee on Contingencies, presented to the House the Ninth Report of the said Committee; which was read, as followeth:--

Your Committee have had brought under their consideration the expense occasioned to Members of Your Honorable House, in consequence of the recent adjournment, in returning to and from their homes.

Your Committee observe that in a similar instance in the Session of 1852 and 1853, extra-travelling expenses were allowed; and they recommend that the Accountant be authorized to pay the same to Honorable Members on the present occasion.



Your Committee also beg leave to recommend that an humble Address be presented to His Excellency the Governor General, for a further advance of Eight thousand pounds on account of the Contingent expenses of Your Honorable House.

*Resolved*, That this House doth concur with the Committee in the said Report.

*Resolved*, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to issue his Warrant in favor of William Burns Lindsay, Esquire, the Clerk of this House, for the sum of Eight thousand pounds, towards defraying the Contingencies of this House; and assuring His Excellency that this House will make good the same.

*Ordered*, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Mr. Laberge, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Montmagny, informed the House, That James Ross and John P. Crysler, Esquires, Members of the Committee, were not present within one hour after the time appointed for the meeting of the said Committee on Saturday last, and this day.

*Ordered*, That the Petition of Sidney W. Gillett, of the Town of Constable, State of New York, Merchant, be printed for the use of the Members of this House.

*Ordered*, That Mr. Bureau have leave to bring in a Bill to make better provision for the administration of the property of Minors, Absentees, Interdicted persons and others incapable of administering their own affairs in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday the thirteenth instant.<sup>1</sup>

*Ordered*, That Mr. Brodeur have leave to bring in a Bill to establish a Registry Office in the County of Bagot.

He accordingly presented the said Bill to the House, and the same was

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received and read for the first time; and ordered to be read a second time on Thursday the fifteenth instant.

*Ordered*, That Mr. Bureau have leave to bring in a Bill to exempt Notaries in Lower Canada from the necessity of having their Acts countersigned, or drawing them up in the presence of two Notaries, except in cases of Testamentary dispositions.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

*Ordered*, That Mr. Dufresne have leave to bring in a Bill to erect the County of Montcalm into a separate Municipality, and to establish a Registry Office therein.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.<sup>2</sup>

MR. COM. CR. LANDS CAUCHON begged for postponement of the question.<sup>3</sup>



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*Ordered*, That Mr. Pouliot have leave to bring in a Bill to amend the Seigniorial Act of 1854, and extend certain provisions of the said Act to the Seigniory of Lauzon.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the fifteenth instant.

*Ordered*, That the Honorable John Sandfield Macdonald have leave to bring in a Bill to prevent the acceptance of Offices of emolument or profit by Members of the Legislative Assembly except in certain cases.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

*Ordered*, That the Honorable Mr. Cameron have leave to bring in a Bill to amend the Law relating to the custody of Infants.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of Mr. Crawford, seconded by Mr. Patrick,

*Resolved*, That this House will immediately resolve itself into a Committee to consider the expediency of repealing part of the Act 16 Vic. cap. 184.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Gould reported, That the Committee had come to a Resolution.

*Ordered*, That the Report be received To-morrow.

*Ordered*, That Mr. Alleyn have leave to bring in a Bill to limit appointments to Judicial Offices.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

*Ordered*, That the Return of monies in the hands of the Commissioner of Crown Lands on account of unsettled claims, and also the Tariff of Fees collected in the Crown Lands Office, presented on the fifth of November last, be printed for use of the Members of this House.<sup>4</sup>

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The Honorable Sir Allan N. MacNab, one of Her Majesty's Executive Council, presented, by Command of His Excellency the Governor General,--Bursar's Statements and Accounts of the University and Colleges at Toronto, and of Upper Canada College, for the year 1854; also Estimate of Income for 1855.

For the said Statements and Estimate, see Appendix (M.)

Also, Municipal Returns for Upper Canada, under the Act 16 Vic. cap. 163, sec. 2.

For the said Returns, see Appendix (K.)

And also, Reports of the Commissioners appointed to enquire into a series of accidents and detentions on the Great Western Railway, Canada West, by Commission bearing date November 3, 1854.

For the said Reports, see Appendix (Y.Y.)

*Ordered*, That one thousand copies of the said Reports be printed for the use of the Members of this House.

*The Serjeant-at-Arms attending this House, reported, That a Copy of the Orders of this House, of the fourth of December last, had been respectively served upon the Deputy Returning Officers for the Parishes of Rivière Ouelle, Ste. Anne, St. Denis, Mont-Carmel and Ixworth, in the County of Kamouraska, and that they were then in attendance at the Bar in obedience thereto.*

*On motion of the Honorable Sir Allan N. MacNab, seconded by Mr. Solicitor General Smith,*

*Ordered, That the Final Report of the Select Committee on the Kamouraska Election Petition be now read, for the information of the several parties attending under Orders at the Bar of this House; and that they be severally interrogated if they have any thing to offer in their defence.*

*And the same being read;*

*MR. CHAPAIS<sup>5</sup> moved that the petition presented to the House by the prisoners be read, as containing their defence.<sup>6</sup>*

*Some members suggesting that the officers should be discharged,<sup>7</sup>*

*MR. PRES. EX. COUN. MACNAB moved that the said petition be read, and its consideration deferred till Wednesday.<sup>8</sup> [He] said the proper way to proceed was to print the petitions for the use of members. The privileges of the House had been violated.<sup>9</sup> [He] was surprised that members should have so little respect for the privileges of the House, and allow them to be treated so lightly. He would not pretend the men were guilty or not, but he was satisfied no honorable gentleman had properly understood the defence as it was read at the table, and they were not therefore in a position to decide the matter.<sup>10</sup> The committee appointed to try the election of Kamouraska had reported against the conduct of the prisoners who had been brought before the bar of the House: and unless the whole thing was to be considered a farce, it was proper that the subject be narrowly examined into. The privileges of the House affected the rights of the people of this country, and it was proper to see that they were not trifled with.<sup>11</sup> The course proposed--to discharge the officers, would be to make a mockery of their authority.<sup>12</sup>*

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*Ordered, That the Petition of Jean Thomas Béchard, of St. Louis de Kamouraska, Esquire, Notary, be now received and read; and the Rules of this House suspended as regards the same.*

*And the said Petition was received and read; setting forth: That the House having been informed that at the last General Election in the County of Kamouraska, certain disorderly proceedings had taken place at the Poll of St. Denis, held by the Petitioner as Deputy Returning Officer, has thought fit to summon him at the Bar of the House to answer for his conduct at the said Election: That the Petitioner, during the whole of the said Election, performed his duties of Deputy Returning Officer to the best of his knowledge and judgment; but that on the second day of voting, a disturbance having been got up among the voters at the said Poll, the crowd succeeded in taking possession of the said Poll, and violently controlled the proceedings of the Petitioner and of the Poll-Clerk, thereby rendering it impossible for the Petitioner to perform the duties of his office: That the Petitioner is now, and from that moment, became firmly convinced that parties were so much excited that it was utterly impossible for him to maintain order any longer, and that he would have uselessly exposed his life had he made any further efforts to re-establish order; and praying the House will be pleased favorably to receive the present explanations offered by the Petitioner respecting his conduct at the said Poll of St. Denis, and make such order as in justice shall appertain.*

*Ordered, That the Petition of Florence DeGuise, Octave Dupuy, and Philippe Gauvreau, of the Parishes of St. Anne de la Pocatière and Mont-Carmel, and of the Township of Ixworth, be now received and read; and the Rules of this House suspended as regards the same.*

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*And the said Petition was received and read; setting forth: That in obedience to the orders signified to the Petitioners in that behalf, they this day attended at the Bar of the House: That having already appeared before the Committee appointed to enquire into the merits of the Petition against the return of the Election of the County of Kamouraska, they explained to the Committee on that occasion the circumstances in which they stood: That the Electors of the Parishes aforesaid, having taken possession of the Polling-places, in defiance of the protestations and the legal measures taken by the Petitioners, they were compelled by an irresistible controlling power, to enter the votes as they were given: That they do not in any degree undertake to justify the conduct of the Electors on that occasion: That in their Returns after the closing (sic) of the Polls, they stated, that from nine o'clock in the forenoon of the first day to ten or eleven in the forenoon of the second day's voting, the registration of the votes proceeded regularly, but that after that time, they were compelled to yield to force: That the Returns furnish proof that it was not their intention to favor one party to the prejudice of the other: That the Petitioners humbly pray that the House will consider that the Committee cast no blame on their conduct during the said Election: That the Petitioners therefore remain in ignorance of the charges laid against them, and in what particular their conduct may be culpable: That they therefore trust that the House will exonerate them from all censure: That having already performed two journies (sic) to Quebec, thus incurring considerable expense and inconvenience, they venture to hope that the House will be please[d] to indemnify them.*

*The Parties were then directed to withdraw.*

DR. T. FORTIER, of Nicolet, said there was no accusation brought by the election Committee against these men, and it was a mistake to summon them. To keep them longer in custody would be to stretch the privileges of the House at the expense of the liberty of the subject.<sup>13</sup> Only one of the prisoners at the bar of the House was charged with improper conduct, and that the others ought to be discharged.<sup>14</sup>

MR. WILSON said the Committee had not reported that these Returning officers had done wrong but that fictitious names had been registered in their poll books: They were bound to explain these.<sup>15</sup>

MR. STEVENSON believed they had explained to the Committee that they had made a special return of the facts.<sup>16</sup>

MR. J.S. MACDONALD confirmed the statement of Mr. Wilson, quoting from the 7th Resolution of the Committee.<sup>17</sup> [He] pointed out that the Report of the committee did implicate more than one of the prisoners. He thought the motion of the hon. and gallant knight most reasonable.<sup>18</sup>

MR. DUFRESNE said the course proposed by the hon. and gallant knight was reasonable--to defer the further consideration of the case till the petitions were printed. He was convinced that it would then appear that all the prisoners were not guilty of the charges laid against them.<sup>19</sup>



MR. CHAPPAIS said although he had been made the victim of the illegal proceedings complained of, yet, believing these men innocent, he hoped they would be no further punished.<sup>20</sup> [He] contended there was no charge whatever against four of the prisoners, and that they ought to be discharged.<sup>21</sup> The House even now should pay their expenses.<sup>22</sup>

MR. TURCOTTE said the liberty of the subject was infringed by the detention of four of the prisoners who had been called to the bar of the House.<sup>23</sup> To keep them longer would be an act of oppression.<sup>24</sup>

MR. MACKENZIE said, when he remembered that the present Chief Justice of Lower Canada had to go to Upper Canada to find a constituency even after he had a clear majority in a Lower Canada Constituency, he thought that such cases as this demanded the closest investigation.<sup>25</sup> [He] thought they should be in no hurry to discharge them. The Government was doing its duty in protecting the privileges of the House. Attempts had been made to undermine the liberties of the people of which the purity of that House under the representative constitution of the country was the best safeguard.<sup>26</sup> If our representative system is not to be brought into contempt, the privileges of the House must be vindicated.<sup>27</sup> How could they decide on the merits of a defence they had not heard?<sup>28</sup>

MR. FELTON, said there was no charge against any of the prisoners but Hudon, and if the matter was to be further delayed they should be entitled to remuneration for their attendance.<sup>29</sup>

MR. POULIOT, seconded by MR. CHAPPAIS, moved in amendment that Messrs. Deguise, Béchard, Dupuy, and Gauvreau, be forthwith discharged from the custody of the Sergeant-at-Arms.<sup>30</sup>

MR. SANBORN was surprised at the course taken by some hon. members.<sup>31</sup> The House would be stultifying itself<sup>32</sup> [and] would be trifling with the privileges of the House<sup>33</sup> by ordering the appearance of these men at the bar of the House if it afterwards without any investigation into the charges against them should order their discharge.<sup>34</sup> The whole country were expecting some action by the House in the premises, and they should take no step without careful consideration. It had been said there were no charges against those men, but if he understood their petition in defence they had admitted their guilt that they had under fear of a mob done illegal acts<sup>35</sup>, [OR] that they had not discharged their duty. The House had had no opportunity of estimating the amount of guilt attaching to them, and as had been well observed by the gallant knight, it would be dangerous to the representative rights of the people.<sup>36</sup> The conduct of the electors of that county who shewed such a lack of a proper appreciation of their rights called for a strong expression of opinion by the House. As a matter of justice to the men themselves as well as to the House, time should be taken to consider the matter.<sup>37</sup>

MR. J. DORION (Drummond), said he was not going to vote blindfold, on so important a question and would support the motion of the gallant knight.<sup>38</sup>

MR. COM. CR. LANDS CAUCHON said, he thought the election committee ought to have made it more distinct whether all the prisoners were guilty. He did not think that more than one of the prisoners was guilty; but since the matter had been brought before the House, and the House was called upon to act in a judicial capacity, it was the most regular course to examine carefully the petition which had been laid before the House.<sup>39</sup>



After some further discussion carrried (sic) on by MESSRS. ... LABERGE and MARCHILDON the amendment was withdrawn<sup>40</sup>, and the original motion unanimously carried.<sup>41</sup>

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*Ordered, That the two said Petitions be printed for the use of Members of this House.*

*Ordered, That the further consideration of the present investigation be postponed until Wednesday next; and that the several Parties be in attendance at the Bar of this House on that day.*

*The Deputy Returning Officers for the Parishes of Ste. Anne, St. Denis, and Mont-Carmel, and Township of Irworth, were then again called in; and acquainted by Mr. Speaker with the last preceding Order.*

*They were then again directed to withdraw.*

*The Deputy Returning Officer for the Parish of Rivière Ouelle was then again called in; and being asked by Mr. Speaker, what he had to say in his defence, prayed that he might be heard by Counsel on the subject of the accusations brought against him.*

*Mr. Poulin moved, seconded by Mr. Alleyn, and the Question being proposed, That Joseph Magloire Hudon be heard by Counsel at the Bar of this House, on Wednesday next, as prayed for;<sup>42</sup>*

MR. J.S. MACDONALD (Glengarry) objected to the time of the House being occupied for three or four hours by hearing counsel in a matter of this sort. It had been allowed on behalf of the parties whose interests were affected by the Clergy Reserve and Seignorial Bills, but in a case of this nature, he did not conceive that the same necessity existed.<sup>43</sup>

MR. PRES. EX. COUN. MACNAB conceived it to be a matter of sufficiently grave importance to entitle the accused to be heard by counsel.<sup>44</sup>

The motion, after some further discussion, was agreed to without a division.<sup>45</sup>

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*Ordered, That the further consideration of the Question be postponed until Wednesday next; that Mr. Hudon do appear at the Bar of this House, at Three o'clock in the afternoon of that day; and that it be then the first Order of the day.*

*Mr. Hudon was then directed to withdraw.*

*The Serjeant-at-Arms attending this House, reported, That a Copy of the Order of this House of the fifth of December last, had been served on Jean Gagné, of the Parish of St. Etienne, in the County of Saguenay, Notary, and that he was then in attendance at the Bar, in obedience thereto.*

*On motion of the Honorable Sir Allan N. MacNab, seconded by Mr. Solicitor General Smith,*

*Ordered, That the Final Report of the Select Committee on the Saguenay Election Petition, be now read.*

*And the same being read;*

*And Mr. Gagné being asked by Mr. Speaker, what he had to say in his defence;*

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*replied that he would be prepared with his defence To-morrow; and prayed to be heard by Counsel on Thursday next.*

*Mr. Turcotte moved, seconded by Mr. Desaulniers, and the Question being proposed, That Mr. Gagné have leave until To-morrow to produce his defence, and that he also have leave to be heard by his Counsel (Messieurs Lelièvre and Angers,) at the Bar of this House on Thursday next.*

*Ordered, That the further consideration of the Question be postponed until Thursday next.*

*Mr. Gagné was then directed to withdraw.*

*The Order of this House of Thursday last, for the appearance of the Deputy Returning Officers for the County of Saguenay Election at the Bar of this House, being read;*

*They appeared at the Bar accordingly; and Messieurs Lelièvre and Angers were heard as Counsel on their behalf.*

*Ordered, That the further consideration of this investigation be postponed until Thursday next, and that the said Returning Officers do then attend at the Bar of this House; and that it be then the second Order of [the] day.*

*The Deputy Returning Officers were then directed to withdraw.*

MR. INSP. GEN. CAYLEY moved that the House do now concur in the report of the Committee of the whole, regarding a provision for the Provincial Lunatic Asylum at Toronto.<sup>46</sup>

MR. CHAUVEAU [asked a question.]<sup>47</sup>

MR. INSP. GEN. CAYLEY said the Government were prepared to extend the same advantages to Lower Canada as had been given to Upper Canada.<sup>48</sup>

MR. MACKENZIE suggested that the balance at the credit of the Marriage License Fund in Upper Canada amounting to somewhere between £1,000 and £20,000 should be devoted to finishing the Asylum and paying off debts for building it.<sup>49</sup>

MR. INSP. GEN. CAYLEY said an estimate would be brought down for that purpose and the funds from which the money should be taken would then be considered.<sup>50</sup>

MR. MACKENZIE thought the Government deserved credit for the manner in which they dealt with this question. Nothing could be more commendable than to use their influence for these poor people, and appropriating a part of the revenue of the Province for their relief.<sup>51</sup>

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*Mr. Bellingham, from the Committee of the whole House to take into consideration the Message of His Excellency the Governor General, transmitting to this House an Estimate of the sums required for the maintenance of the Provincial Lunatic Asylum at Toronto, for the past and present years, reported a Resolution; which was read, as followeth:--*

*Resolved, That a sum, not exceeding Fourteen thousand pounds, Currency, be granted to Her Majesty, for the support of the Provincial Lunatic Asylum at Toronto, namely, for the unprovided expenditure of 1854, One thousand six hundred and forty pounds nineteen shillings and sixpence, and for the year 1855, Twelve thousand three hundred and fifty-nine pounds and sixpence.*

*The said Resolution, being read a second time, was agreed to.*

*The Order of the day for the House in Committee on the Bill to incorporate the Eastern Townships Bank, being read;*

*Ordered, That the said Order of the day be postponed until Wednesday the fourteenth instant, and be then the first Order of the day.*

*The Order of the day for the second reading of the Bill to amend the Acts to secure the Independence of Members of the Legislative Assembly, being read;*

*Ordered, That the Bill be read a second time on Monday next.*

*The Order of the day for the second reading of the Bill to legalize certain transactions and to alter the tenure of Indian Lands in the Township of Durham, being read;*

*Ordered, That the Bill be read a second time on Tuesday next.*

*The Order of the day for the second reading of the Bill for the relief of Merchants, Traders, and others, being read;*

*Ordered, That the Bill be read a second time on Monday next.*

*The Order of the day for the second reading of the Bill to authorize the formation of Railroad Corporations and to regulate the same, being read;*

*Ordered, That the Bill be read a second time on Monday next.*

MR. CAMERON moved the second reading of the Bill to amend the Municipal Act<sup>52</sup>.

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*The Order of the day for the second reading of the Bill to amend the Municipal Corporations Act, being read;*

*The Bill was accordingly read a second time; and referred to a Select Committee, composed of the Honorable Mr. Cameron, the Honorable Mr. Attorney General Macdonald, Mr. Foley, Mr. Angus Morrison, Mr. Hartman, and Mr. Roblin, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

*The Order of the day for the second reading of the Bill to amend the Act, intituled, "An Act to provide for the better organization of Agricultural Societies in Lower Canada," being read;*

*Ordered, That the Bill be read a second time on Monday next.*

*The Order of the day for the second reading of the Bill to amend the Act to abolish the right of Primogeniture, and to afford relief to parties succeeding to the Real Estate of persons dying intestate in certain cases in Upper Canada, being read;*

MR. CAMERON ... moved the second reading of the Bill to amend the law of Primogeniture, C.W. He explained that since the law of primogeniture had come into operation, great difficulties had been some times found in dividing estates belonging to several co-heirs, owing to there being no law for calling them all in, before some court, and proceeding to a partition, thus in a case where there [are] 27 parties interested, one of whom was in India, his co-heirs could realise nothing, though many of them were in needy circumstances. His Bill was perhaps imperfect; but he had framed it on those of the State of New York and other States.<sup>53</sup>

MR. SOL. GEN. H. SMITH said he foresaw the difficulties in the working of the law of 1851; at the same time he was unwilling to disturb its operation. In reference to the difficulties in its working, he cited the instance of a person who, dying intestate, might have real property, held in three different ways--50 acres dependent on the life of another person--50 acres in fee simple, and 50

acres of Clergy Reserve lands not paid for. As the law now stands, each of these separate classes of property would have to be divided among the heirs--cutting up the estates and greatly depreciating its value. The object of the amendments which he would suggest would be to create an equity or discretionary power, by which those charged with the administration of the estate might make an economical division of the estate.<sup>54</sup>

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*The Bill was accordingly read a second time; and referred to a Select Committee composed of the Honorable Mr. Cameron, Mr. Solicitor General Smith, Mr. Joseph Curran Morrison, Mr. Hartman, Mr. Freeman, and Mr. Stevenson, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

On motion of MR. J. DORION,<sup>55</sup>

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*The Order of the day for the second reading of the Bill to establish a Registry Office in the County of Arthabaska, being read;*

*The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Jean Baptiste Eric Dorion, the Honorable Mr. Attorney General Drummond, the Honorable Mr. Lemieux, Mr. Polette, and Mr. Jobin, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

*The Honorable George E. Cartier, having presented the Indenture of his Election for the County of Verchères, and previously taken the Oath according to Law, and subscribed before the Commissioners the Roll containing the same, took his seat in the House.*<sup>56</sup>

*The Order of the day for the second reading of the Bill to incorporate a Company for the erection of an Hotel in the Village of Windsor, being read;*

*Ordered, That the said Order of the day be discharged.*

*The Order of the day for the second reading of the Bill to establish Courts of Conciliation in Upper Canada, being read;*

*Ordered, That the Bill be read a second time on Monday the nineteenth instant, and be then the first Order of the day.*

MR. MACKENZIE moved the House into Committee of the whole on the bill to exempt<sup>57</sup> the tools or implements of any debtor's trade or calling, and the wearing apparel, the bedding, and other furniture<sup>58</sup>, together with a cow, two swine, &c.<sup>59</sup> necessary for the use of his family, from seizure and sale under execution for debt, the goods thus reserved not to exceed £50 in value,<sup>60</sup> [OR] £25.<sup>61</sup>

MR. SOL. GEN. H. SMITH did not think there was much necessity for the Bill, and was afraid it would open the door to fraud. He would like its consideration to be postponed, and a clause added providing that it should not affect any debts now existing.<sup>62</sup> It would be very unfair for a man who had bought a cow on credit, to keep the cow, while the vendor went without cow or money.<sup>63</sup> The limit of 25 dollars, as the value of tools not to be seized, he thought was too high<sup>64</sup>. He proposed to read the first clause and postpone the consideration of the rest<sup>65</sup> until an opportunity should be afforded of making certain amendments.<sup>66</sup>

MR. MACKENZIE thought that the Solicitor General had not read his bill, which was called for by every consideration of humanity<sup>67</sup>. [He] replied, citing



in support of his bill the example of the United States, and saying that his law had received the sanction of a select committee.<sup>68</sup> He was not surprised at the Solicitor General opposing the bill. He was not like his colleagues, the Attorney General West and Postmaster General, who had somewhat of a liberal spirit in them naturally, but the Solicitor General was only fit to be sent along with the member for Prince Edward (Mr. Stevenson) to a museum to be exhibited as old fossils. (Laughter.) He would have put in the same class<sup>69</sup> the member for the Canada Company<sup>70</sup> [and] the honorable member for Simcoe (Hon. Mr. Robinson) if he had not latterly shewn some symptoms of improvement.<sup>71</sup>

MR. HARTMAN supported the bill.<sup>72</sup>

MR. POST. GEN. SPENCE, in reply to the allusion made to him by Mr. Mackenzie, said he did not claim for himself more liberality of political sentiment than characterized any of his honorable colleagues.<sup>73</sup>

Ironical cheers from the opposition.<sup>74</sup>

[MR. POST. GEN. SPENCE continued:] He did not know whether those cheers were ironical or sincere, but if sincere, he was glad that the eyes of honorable gentlemen opposite were now being opened. (Continued ironical cheers.) He spoke sincerely, and he trusted he spoke plainly, for his object was an honest one. He did not desire the praise of the honorable member for Haldimand or of any other member at the expense of the gentlemen with whom he was associated. (Hear, hear.)<sup>75</sup> He did not think the member for Haldimand met the overtures of the Solicitor General in the spirit which they deserved, and he was disposed to believe that that gentleman was more anxious to have his bill rejected than to get it carried.<sup>76</sup> Mr. Mackenzie, it was evident, desired to be considered a martyr. He had insisted that his measure should be accepted without the slightest amendment<sup>77</sup>. The Solicitor General and the Attorney General gave their consent to the bill. No, said the member for Haldimand, I must dictate all the details and the time of passing it, or I will not have it at all.--<sup>78</sup> When those gentlemen failed to be as liberal as he desired them to be, he trusted he shew what was due to himself and his friends who had supported him, and that he would be found in those circumstances acting as he ought to do. He had hitherto endeavoured to discharge the duties pertaining to his office, without noticing the taunts of the Press or of members of this House, but when honorable gentlemen opposite charged him with being allied with fossils, they ought to have remembered that when they played the game of overturning governments they should have played their game better, and that when they upset a liberal government they should have made their calculations more closely as to who should succeed them.<sup>79</sup>

Ironical cheers from the Opposition.<sup>80</sup>

[MR. POST. GEN. SPENCE continued:] Why, he asked, were his colleagues now in the places they occupied? Who supported the present Attorney General, and got him returned member for Kingston against a Liberal? And why was the gallant knight himself in his present place? Who more anxious for his return than the gentleman who now placed himself at the head of the Liberal party? Who was it said that Isaac Buchanan was not the man, but that Sir Allan McNab should go in and secularize the Reserves? He had long borne with those taunts of treason and treachery to the Reform cause. But he would now retort the charge upon honorable gentlemen opposite, and say that, if there had been treason, the treason (sic) had been theirs--if there had been treachery, the treachery had been among themselves. He could not consent to be regarded as the sole representative of

the liberal spirit in the cabinet. He believed the Attorney General was prepared to carry as liberal a spirit into the administration of affairs as would the honorable member for Haldimand or those who sat along with him. (Ironical cries of hear, hear.) And he might say the same thing of the Inspector General. Who was it that assisted to return the present Inspector General for Huron, and to defeat Mr. McQueen? The Globe, the Message and the Examiner, and now they refused to accept the fruit of their labour. And who prevented David Christie from being member for Wentworth? And yet forsooth by those very parties he (Mr. Spence) was to be called a traitor to the liberals of Canada, because he humbly endeavoured to bring to the aid of the government all the assistance he could, in furthering those liberal measures which they had undertaken. He hoped the honorable member for Haldimand would take the suggestion of the Solicitor General in a friendly spirit, and after the first clause was adopted, allow the committee to rise, report progress, and ask leave to sit again, so as to afford the Solicitor General and Attorney General time to look into the details of the bill.<sup>81</sup>

MR. MACKENZIE--No.<sup>82</sup>

MR. POST. GEN. SPENCE. No! he would rather put it in some voter's guide or manual. He had not much experience, but he never had heard of a more suicidal course. He would not have the aid of the government because they were fossils, and he would not believe them sincere.<sup>83</sup>

MR. MACKENZIE--That's true.<sup>84</sup>

MR. POST. GEN. SPENCE--Then he had not overdrawn the picture. The member for Haldimand pretended to be a liberal and to want liberal measures, and yet he would not let the government carry them. After taunting the opposition with seeking office, he concluded by saying that he would leave the ministry as soon as he found them less liberal than he was, and in the meantime, he hoped his liberal friends would continue the support they had always given him.<sup>85</sup>

MR. MACKENZIE thought that any mistake he had made was more than compensated by the eloquent display of the Postmaster General, and he then went on to say that his bill having been passed in a previous session, but lost in the upper House, and having this session been read a second time and referred to a select committee<sup>86</sup> consisting of Hon. J.H. Cameron, Dr. Fraser, Dr. Macdonald (Cornwall), Mr. Young, Mr. Hartman, Mr. Brown, and Mr. Papin<sup>87</sup>, he was not disposed now to lose it by delay at the request of those<sup>88</sup> who formed the small minority that opposed it in last Parliament.<sup>89</sup> The Postmaster General because perhaps he was a tyro and rather green, told him he did not want to pass his bill. But it looked as if he wanted to carry it when he brought it in and carried it through one session and now pressed it again, and this in spite of the opposition of sham reformers and people who never were nor pretended to be reformers. However let them reject it if they pleased. He had no fear to go back to his constituents, and no man in the country could ever undertake truly to tell him that he sought for office. If by reason of those who could sell their principles as the gallant knight did, or by reason of others who joined them like the gentlemen (sic) who left his principles for his Post office--if by these means the bill were rejected let it be so; but to tell him he was not sincere, when he had stood as near death, as he did then to the doorkeeper, for the rights of the people, was more than he could put up with.<sup>90</sup> Thirty years' experience of the gentlemen opposite had taught him what they were. He recollected well how the honourable gentleman at the head of the Government came down

to the Parliament of 1835, and,<sup>91</sup> Sir Allan ... voted him (Mr. McKenzie) out of the House, and afterwards, like a whipt spaniel had himself voted that he had committed a gross breach of the privileges of the House, and alleged that the remembrance of these things made him believe that the intention to defeat the bill arose from the fact that he was its author.<sup>92</sup>

MR. CAMERON advised Mr. McKenzie to consent to the proposition of the Solicitor General. He was on the Committee who amended it, and meant to vote for it, in its present form.<sup>93</sup> The honourable member for Haldimand was not treating the Government fairly, in not acceding to their request for delay, after the first clause should have been adopted.<sup>94</sup>

MR. MACKENZIE would do so at once, if he were asked by a friend of the bill.<sup>95</sup>

MR. FOLEY said the honourable Postmaster General had seemed very desirous to deliver himself of a phillippic against honourable gentlemen on his (Mr. Foley's) side of the House, and his indignation had very strongly reminded him of a story he had heard, which he thought illustrated his position. The story was told of a Jew who went into a hotel in Cincinnati, and seeing a nice bit of ham which of course his conscientious convictions prevented him from eating, he looked about for a while, first at the ham, and then at the knife and fork, till finally the temptation was too strong for him, and he put a dainty morsel into his mouth. Just at that moment there was a vivid flash of lightning and a great crash of thunder, and the Jew thinking it was all on his account, exclaimed--what a terrible fuss is this for a little bit of pork. (Laughter.) The Postmaster General was exactly in this position.<sup>96</sup> He had made a tremendous fuss about the little piece of pork in Mr. McKenzie's speech.<sup>97</sup> (Continued laughter.) Having eagerly seized the tempting bait thrown out to him, and violated his principles for the sake of power and emolument, he now got up and made a great row, and declared he maintained the very principles that he had always done, that his colleagues were as liberal as he was, and that he was not one whit more liberal than they were. He had certainly furnished evidence enough of the truth of that assertion. (Hear, hear.) He had asked who beat David Christie, who returned<sup>98</sup> Messrs. Cayley,<sup>99</sup> Attorney General Macdonald for Kingston, and Sir Allan Macnab for Hamilton, but if Liberals had done wrong in so acting, was that any justification for him, that he seized the very first opportunity that offered to abandon his party, and to join those whom he had been accustomed to denounce quite as energetically as any other honourable gentleman, thereby violating all his former professions. The Postmaster General should be the last man to claim credit for liberality in consequence of measures which the Government had carried. For what had they done which they would not have been willing at any time to do? (Hear, hear.) Were not the measures they had passed characterized by the same spirit of Toryism and arbitrary power that had always characterized them?<sup>100</sup> He maintained that these colleagues of the Postmaster has (sic) continued to be as they had always been the supporters of religious supremacy and arbitrary power, and concluded by saying that he should not have addressed the House but for the taunts of Mr. Spence directed against the sincerity of gentlemen on that side of the House.<sup>101</sup> He (Mr. Foley) should vote for the bill of the honourable member for Haldimand, and trusted that it would become law.<sup>102</sup>

MR. POST. GEN. SPENCE believed the whole difficulty with the hon. member for Waterloo was to be found in the fact, that he had not been able to secure the



little piece of pork, which had fallen to the other side of the House. He thought the member for Waterloo the very last person who should talk about inconsistency.<sup>103</sup> After that honorable gentleman's vote the other night on the Maine Law, that he should venture to arraign any other member for inconsistency was somewhat surprising. And he asked, what votes had he (Mr. Spence) ever given which justified the censure of the honorable member for Waterloo? Had not the administration been supported by the country and by this house? Had they failed in one particular to carry their measures, or had they merely carried them by narrow majorities? Had any of the elections which had taken place shown any change in the public sentiment? The very return of the Secretary of the Province to the house to-night, proved the administration still strong in the affections of the country. He very well understood the game that the honorable member for Waterloo and other honorable members were playing. They would have liked another 40 years to pass over without the settlement of those great questions which had agitated the country, that they and their successors might have an opportunity of speculating in politics. It did not suit the honorable member that the Government coach should be filled by those who now occupied places in it. He would have liked an inside place in it himself. The member for Haldimand would have taken an outside place, but the member for Glengarry and the member who sat beside him (Mr. Hartman)--they also would have liked inside places. Those honorable gentlemen had been disappointed, but he regarded their taunts but little, when such reformers as Robert Baldwin had given his hand and seal to the policy which had secured the final settlement of the Clergy Reserve and other important reform questions. It was easy to make insinuations about his having snapped at office.<sup>104</sup> Any man of vulgar mind might make the insinuation he had made against any Canadian bold enough to entertain the worthy ambition of taking a seat in the government of his country.<sup>105</sup> He could afford to treat such insinuations with scorn.<sup>106</sup>

MR. FOLEY, in reply to the charge made against him of inconsistency in regard to the Maine Law, said that on the vote he gave on that question, he was carrying out the well-understood wishes of his constituents.<sup>107</sup>

MR. POST. GEN. SPENCE--And your own pledges?<sup>108</sup>

MR. FOLEY--At the time I was under no pledges.<sup>109</sup>

MR. CAMERON rose to order. He thought this personal recrimination had gone far enough. First, they had the Postmaster General's explanation of his position, in reply to the member for Haldimand; then Mr. Foley's attack, on the ground taken up by the Postmaster General in that explanation; then the Postmaster General's reply; and now they were having another attack by Mr. Foley. How long was this to be allowed to go on?<sup>110</sup>

MR. FOLEY was permitted to proceed, and denied that there was the least foundation in any insinuations with which the Postmaster General had assailed (sic) him. Could he point out a single instance in his political career, on which for any consideration whatever he had abandoned his principles, or sold himself to his opponents? The Postmaster General had referred to his conduct in joining the present Government, being approved of by honorable Robert Baldwin, but who had on former occasions more fiercely denounced that honorable gentleman as a traitor to the reform cause than the honorable Postmaster General himself? (Hear, hear.)<sup>111</sup> Surely the honorable gentleman could not forget the Brantford dinner, and other dinners, where he had brought accusations of corruption and betrayal of his party against Mr. Baldwin.<sup>112</sup> Did he forget how he had hurled



his thunder-bolts against Robert Baldwin in precisely the same way that he was hurling his bolts againgst (sic) honorable gentlemen on his (Mr. Foley's) side of the house now? If he forgot it, his printed speeches would establish what he had said, and show that the Postmaster General was willing then, as he had ever been since, to worship the rising sun, and to place himself in the position in which he thought he could best advance his own private interests.<sup>113</sup>

MR. J.S. MACDONALD (Glengarry) said the Postmaster General had delivered a most extraordinary speech with a view to defining his position, and doing so had thought it necessary to attack hon. gentlemen on his, (Mr. Macdonald's,) side of the House, and to throw dirt at them as thickly as he could, in order if he could to justify the position which he himself now occupied. One of the charges he had made was against the hon. member for Lambton, for placing the administration in power, by aiding the Attorney General in his election for Kingston, and Sir Allan Macnab at Hamilton in opposition to Isaac Buchanan. That was a charge that might be easily met. He, Mr. M., had no hesitation in avowing that he was one of those who had declared that any administration rather than the last should be in power, and had not the country justified the position they then took up. Had not public opinion stamped that administration with an opprobrium from which it could not escape, and now there was not a member of it from Upper Canada, and scarcely one from Lower Canada that remained in the Treasury Benches, and yet his Hon. friend from Lambton was to be found fault with for assisting those who were lending a helping hand in turning out that ministry, and putting an end to their mal-administration of affairs. The hon. Post-master General attempted to vindicate his position in the present cabinet, but he knew very well that the Reformers of Upper Canada viewed that position as a very equivocal one. Would any Reformer admit that the Post-master General in his present position represented any portion of the Reform feeling of Upper Canada? Latterly they found that the member for Montmorenci, the member for Levi, and the member for Verchères, the most ultra illiberals of Lower Canada had joined this administration, and were now the associates of the Post-master General. (Hear, hear.) Then what were those great Liberal measures which they had carried?<sup>114</sup> Then as to the doings of the ministry, the Postmaster could not say that the Clergy Reserves were settled in a way to give satisfaction to the people of Canada.<sup>115</sup> (Hear, hear.)<sup>116</sup> And let the Postmaster beware. He spoke as if he took some liberal followers to the ministry. It was Mr. Hincks who took them, and who put the Postmaster in his place<sup>117</sup>. It was his voice that kept him there, and the day that he withdrew his voice, that day he would not be in his seat. (Hear, hear.) He had no weight whatever of his own to give a liberal character to the measures of the Government.<sup>118</sup> The honble. gentleman was as every one must feel, isolated in the midst of colleagues whose sentiments and actions he could not influence!<sup>119</sup> Would he say that the Clergy Reserves Act--that the commutation clause had given satisfaction to Reformers? Would he tell him that the Government's postponing the Franchise Bill had given satisfaction to the people of the country, or the delay in bringing forward the elective Legislative Council Bill.<sup>120</sup> [He] contended that the action of the Government upon them proved their want of sincerity in their professions of liberality; and to a rumoured remark of Mr. J.A. Macdonald the other morning, that the opposition to Dr. Workman was a tory trick to get rid of him. He went on to say that whoever else had a right to complain of him for turning out the last government, it was not Mr. Spence, since had the last government not been turned out, he would never have come in. His antecedents were not of a kind to make him hope to get into office the first day he came to Parliament.<sup>121</sup> The hon. member for

Waterloo had referred to the attack which Mr. Spence had made on hon. Robt. Baldwin at the Brantford dinner.<sup>122</sup>

MR. POST. GEN. SPENCE--Was that the dinner at which the Commissioner of Crown Lands and the member for Lambton were present?<sup>123</sup>

MR. FOLEY said it was not, and was proceeding to explain to what occasion he had referred, when he was interrupted by<sup>124--</sup>

DR. CLARKE, who rose to a question of order. He wanted to know what all this had to do with the question.<sup>125</sup>

MR. BROWN.--It has everything to do with the question.<sup>126</sup>

After some discussion to the point of order,

MR. J.S. MACDONALD (Glengarry) proceeded to allude to the Toronto dinner given to the honourable Malcolm Cameron, at which the present Postmaster General was the loudest in denouncing Mr. Baldwin whose certificate in favour of the present administration he now accepted as all that was required. Notwithstanding, however, the speech to which they had listened to-night, he thought he might venture to predict that the day would soon arrive when the Postmaster General would discover the true character of his associates,<sup>127</sup> that the ministry was less liberal than he, and that he must leave them<sup>128</sup>, and coming over to the opposition, would regret that he had ever spoken of his Tory colleagues as he had this evening done.<sup>129</sup> There was, however, no knowing what might happen. Perhaps the Postmaster General and the Attorney General might stay in or go out together.<sup>130</sup>

MR. FOLEY explained that the dinner he had referred to was one given to Dr. Rolph, whom the honourable Postmaster General then lauded as the very Nestor of Canadian politicians.<sup>131</sup>

MR. AT. GEN. J.A. MACDONALD replied to the speech of the honourable member for Glengarry, which he characterized as weak and trashy. The honourable gentleman, in the absence of the member for Lambton, really fancied during the last ten days that he was leader of the opposition, although everybody knew that the moment the member for Lambton came down, the member for Glengarry would have to play second fiddle. And the only reason he could discover for the speech he had made to-night was that seeing the member for Lambton once more in his place, before he resigned to him the throne, before giving up, like Satan, his bad eminence, and handing it over to the honourable member for Lambton, he took this opportunity of making his last speech and dying words before abdication.<sup>132</sup> He had talked about the resolution of the Postmaster; but he would, he thought, be very proud<sup>133</sup> indeed if he enjoyed as much the confidence of Reformers both in the House and out of the House as did the honourable Postmaster General<sup>134</sup>--a support afforded alike by the press and by thinking men. But the hon. member for Glengarry was exceedingly inconsistent; first of all he said that the late ministry was dispersed and entirely cut off from power, and then he said that the position of the Postmaster depended upon the aid of Mr. Hincks.<sup>135</sup> Had not the press of Upper Canada sustained the Reform section of this House who had supported the present administration? (No! no!)<sup>136</sup> Now, if it were true that the late ministry were so powerless, how did Mr. Hincks, one of the chief of them, happen to have so much influence; the truth was that the opposition to the ministry was melting away.<sup>137</sup> And how had it fared with those newspapers which had taken an opposite course? How lately had they seen the North American become absorbed in the Globe like some languishing lady falling back into the

arms of her admirer--clinging to the strong and robust form of his honourable friend opposite for support? (Laughter.) As they watched the rain-drops and saw them falling into and mingling with the brook, so had this mighty Globe in its universality drawn in the North American. (Laughter.) And the Message, he did not know where it was. The whole ability of that remnant of the Reform press which opposed the administration was now vested in his honourable friend opposite from Lambton, and long might he live to show his skill in making onslaughts on the Government. The attack on the Postmaster General had come with a very bad grace from the member for Glengarry. Had the member for Lambton conducted that attack, he would have done it with much more force, much more moderation, and much more effect.<sup>138</sup> He thought, however, that the motion had better be carried.<sup>139</sup>

MR. HARTMAN, who rose amid cries of "question! question!" as the hour was getting late, spoke very briefly in contradiction of the charge that in assisting to put out the late administration, it was with the view of becoming a member of that which should succeed it.<sup>140</sup>

The first clause of the bill was then adopted<sup>141</sup>.

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*The House, according to Order, again resolved itself into a Committee on the Bill to exempt the Tools or Implements of any debtor's trade or calling, and the wearing apparel, the bedding, and other furniture necessary for the use of his family, from seizure and sale under execution for debt; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Mattice reported, That the Committee had made some progress, and directed him to move for leave to sit again.*

*Ordered, That the Committee have leave to sit again on Thursday next.*

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*Then, on motion of the Honorable Sir Allan N. MacNab, seconded by the Honorable Mr. Cartier,*

*The House adjourned.*<sup>142</sup>

APPENDIX: 5 MARCH 1855.

[NOTICE OF MOTION RE: BILL TO INCORPORATE KINGSTON AND SMITH'S FALLS RAILWAY COMPANY.]

MR. AT. GEN. J.A. MACDONALD [gave notice that he would move for leave to introduce a] Bill to incorporate the Kingston and Smith's Falls Railway Company.<sup>143</sup>

[NOTICE OF MOTION RE: GRAMMAR AND COMMON SCHOOLS OF UPPER CANADA.]

MR. AT. GEN. J.A. MACDONALD [gave notice that he would move for leave to introduce a] Bill to make further provision for the Grammar and Common Schools of Upper Canada.<sup>144</sup>

[NOTICE OF MOTION RE: BILL REGULATING PROPERTY QUALIFICATIONS OF JUSTICES OF THE PEACE.]

MR. POULIOT [gave notice that he would move for leave to introduce a] Bill, intituled, "An Act to amend the Law regulating the property qualifications of Justices of the Peace by reducing the amount of such qualification."<sup>145</sup>

[NOTICE OF MOTION RE: BILL FOR LOWER CANADA MUNICIPAL ACTS.]

MR. POULIOT [gave notice that he would move for leave to introduce a] Bill, intituled, "An Act to amend the Lower Canada Municipal Acts to provide better for the apportionment of the cost of road work in places where no Valuation Roll has been made, and to legalize certain apportionments."<sup>146</sup>

[NOTICE OF MOTION FOR ADDRESS RE: W.L. MACKENZIE'S CLAIM.]

MR. YOUNG [gave notice that he would move an] Address to His Excellency the Governor General, for the payment to W.L. Mackenzie of the interest on his Welland Canal claim and the balance of his claim for balance of expenses while in England, both claims having been audited and admitted by Committees appointed by the Legislative Assembly at the time the services were performed.<sup>147</sup>

[NOTICE OF MOTION RE: ADDRESS FOR DOCUMENTS ON LACHINE CANAL.]

MR. COOKE (Ottawa) [gave notice that he would move an] Address to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, a copy of the names of the several Managers of the Lachine Canal, and of all officers connected with the management of the said Canal, with the salary paid to each, their several duties, and, in particular, who has the control of the Lock-men, who engages and who discharges them when found incompetent or unworthy; also a return of all the Fines imposed upon parties for infringing upon the Canal regulations, giving the names of the parties fined, the amount paid by each party, and the amount of fines remitted, if any, for the years 1853-4.<sup>148</sup>

[NOTICE OF QUESTION RE: SALES OF CROWN AND PUBLIC LANDS.]

MR. GALT [gave notice that he would make an] Enquiry of Ministry, whether any change has been made, or is intended to be made by the Government in the conditions under which sales of Crown and School lands have been made since 30th July, 1852, especially in reference to rescinding the conditions of actual settlement pending the report of the Committee on Public Lands?<sup>149</sup>



## [QUESTION AND ANSWER RE: LABOUR ON THE CANALS ON THE LORD'S DAY.]

DR. MASSON enquired of the ministry, whether it is the intention of the Government to disallow for the future all entry into the canals of this province on Sundays, and also why the Lachine canal is closed, and those of Beauharnois and Cornwall, and others, are not closed; why the employees on the Lachine canal are exempt from labour, and those on the Beauharnois and Cornwall canals are compelled to work on Sundays; also whether the employees on the said Beauharnois and Cornwall canals have received, or are to receive, any increase of salary for being thus compelled to labour thereon in violation of the observance of Sunday?<sup>150</sup>

MR. COM. PUB. WORKS LEMIEUX replied that the Government did not mean to make any change in the present system. In regard to the increase of salary, the matter was at present under the consideration of the Government.<sup>151</sup>

## [QUESTION AND ANSWER RE: LOWER CANADA SCHOOL ACT.]

MR. SOMERVILLE enquired of the Ministry whether it is their intention to introduce a measure this session, for the amendment of the School Act for Lower Canada, and if so, whether it will contain a provision doing away with School Commissioners?<sup>152</sup>

MR. COM. CR. LANDS CAUCHON said the propriety of introducing an amended School Act was under the consideration[?] of the Government but it was not [?] their intention to introduce any provision doing away with School Commissioners.<sup>153</sup>

## [QUESTION AND ANSWER RE: LOWER CANADA REGISTRY OFFICES.]

MR. DOSTALER [asked a question.]<sup>154</sup>

MR. COM. PUB. WORKS LEMIEUX said it was not the intention of Government to bring in any measure for the purpose of protecting registry offices in Lower Canada from fire.<sup>155</sup>

## [QUESTION AND ANSWER RE: SEPARATE SCHOOLS IN UPPER CANADA.]

MR. FOLEY enquired of the ministry, whether they intend during the present session to introduce any measure for the better regulation or total abolishment of separate schools in Upper Canada.<sup>156</sup>

MR. PRES. EX. COUN. MACNAB.--The whole question is under the consideration of the Government. (Laughter.)<sup>157</sup>

## [QUESTION AND ANSWER RE: MANAGEMENT OF UPPER CANADA COLLEGE.]

MR. FOLEY enquired of the ministry, whether the proceedings which lately occurred in the Police Court, at Toronto, in connection with the complaint of the Rev. Mr. Maynard, one of the teachers in Upper Canada College, against Mr. Dennison, have been brought under their notice, and if so, whether any steps have been, or are intended to be, taken by them to remedy the discreditable moral condition which the circumstances thus adduced show that institution to be in.<sup>158</sup>

MR. PRES. EX. COUN. MACNAB replied that the proceedings alluded to had been brought under the notice of the Government, and had been referred to the Senate of the University.<sup>159</sup>

## [WITHDRAWN MOTION FOR REPORTS RE: LICENSES TO CUT TIMBER.]

MR. JOBIN propose une adresse à Son Excellence lui demandant de vouloir bien faire transmettre à cette chambre un état de toutes licences accordées pour coupe de bois dans les comtés de Berthier et Joliette (l'ancien comté de Berthier) depuis 1847 jusqu'au 28 février 1855, ensemble les noms des personnes auxquelles telles licences ont été accordées, les sommes convenues et reçues par le gouvernement, et la durée de telles licences, et leur étendue et toute correspondance à ce sujet.<sup>160</sup>

MR. PRES. EX. COUN. MACNAB<sup>161</sup> [OR] MR. COM. CR. LANDS CAUCHON<sup>162</sup> informe M. Jobin que tous les papiers et documens seront mis immédiatement devant la chambre sans qu'il soit besoin d'adresse, et il le prie de retirer sa proposition.<sup>163</sup>

MR. JOBIN retire alors sa motion.<sup>164</sup>

## [WITHDRAWN MOTION RE: UNAUTHORIZED PUBLIC EXPENDITURE.]

MR. LARWILL moved that this House having learned with alarm that it has heretofore been the practice of the executive Government of this country, to appropriate large sums of the public money without the assent of this House, and contrary to the well known wishes of the people, good government and law, do record their protest against its continuance; and, in order to prevent any detriment to the public service therefrom, will place to the Government at each session of the Legislature a contingent fund of £ to be accounted for as other moneys should be by the Inspector General, which sum shall in no case be exceeded, it being better that the House should be called together, than that unlimited power over the public funds should exist in any other hands than its own.<sup>165</sup>

MR. PRES. EX. COUN. MACNAB hoped that the resolution would be withdrawn. The Government had no idea of applying any money without the vote of the House, and if any emergency should arise for which a grant should be required in advance of the estimates, the House would be applied to for its sanction.<sup>166</sup>

The motion was accordingly withdrawn.<sup>167</sup>

## [WITHDRAWN MOTION FOR AN ADDRESS RE: MEDICAL SUPERINTENDENT AT LUNATIC ASYLUM, TORONTO.]

MR. AIKINS moved an Address to His Excellency, for copies of all papers asking for the removal of the Medical Superintendent from the Toronto Asylum.<sup>168</sup>

MR. PRES. EX. COUN. MACNAB having stated that all the papers connected with the matter, in the possession of the Government, would be brought down without delay,<sup>169</sup>

The motion was withdrawn.<sup>170</sup>

## [POSTPONED RESOLUTIONS RE: UNIVERSITY OF TORONTO.]

MR. CAMERON rose to move certain resolutions for the restoration of the faculties of Law and Medicine to the University of Toronto, and of the Endowment Board for the management of the properties of the said University, and Upper Canada College, and of the Council of Upper Canada College.<sup>171</sup>

MR. PRES. EX. COUN. MACNAB said the subject was under the consideration of the Government, and he hoped soon to be able to submit to the House a measure in

connection with it. After this statement, the honourable mover would probably see fit to withdraw his resolutions.<sup>172</sup>

MR. CAMERON said he had no objections to allow the resolutions to stand for a certain number of days, but he did not wish it to be understood that he withdrew them, or that he would be prevented from bringing them forward, if the Government did not move in the matter.<sup>173</sup>

MR. J.S. MACDONALD (Glengary) regretted that the Government should have intimated their intention to restore the medical faculty to the Toronto University, after the unequivocal expression of opinion by the last Parliament against its continuance.<sup>174</sup>

The resolutions were then postponed till Monday next.<sup>175</sup>

[POSTPONED QUESTION RE: SEIGNIORIAL TENURE.]

MR. COM. CR. LANDS CAUCHON asked for the postponement of the question whether Ministers intended to propose amendments to the Seigniorial Tenure question of the present Session.<sup>176</sup>

FOOTNOTES: 5 MARCH 1855.

1. There appears to be some confusion in the newspapers regarding who moved this item. LE PAYS, 10 March 1855, reports Mr. Brown introduced it, while Telegraph (MONTREAL GAZETTE, 6 March 1855), attributes the motion to Mr. Brodeur. The remainder of the newspapers agree with the JOURNALS.
2. According to Niagara Mail, 14 March 1855, immediately following Mr. Dufresne's Bill, Mr. Com. Cr. Lands Cauchon "begged for postponement of the question" (footnote 3). This information is not contained in any other newspaper account. Instead Telegraph (MORNING CHRONICLE, 6 March 1855), and all other Telegraph reports, state: "Mr. Cauchon begged for postponement of the question, whether ministers intended to propose amendments in the Seigniorial Tenure question of the present session" (footnote 176). NIAGARA MAIL, 14 March 1855, is the only paper to report that Mr. Cauchon begged for postponement of two questions.
3. NIAGARA MAIL, 14 March 1855.
4. Telegraph (GLOBE, 6 March 1855), and numerous other Telegraph reports, state: "On motion of Mr. Mackenzie, papers were ordered respecting monies received in the Crown Lands Office." The newspapers report he ordered the papers while the JOURNALS list the item as an order for the printing of the papers.
5. LE PAYS, 8 March 1855.
6. TORONTO DAILY LEADER, 12 March 1855.
7. MORNING CHRONICLE, 7 March 1855.
8. Telegraph (GLOBE, 6 March 1855).
9. TORONTO DAILY LEADER, 12 March 1855.
10. MONTREAL GAZETTE, 8 March 1855.
11. TORONTO DAILY LEADER, 12 March 1855.
12. MONTREAL GAZETTE, 8 March 1855.
13. MORNING CHRONICLE, 7 March 1855.
14. TORONTO DAILY LEADER, 12 March 1855.
15. MORNING CHRONICLE, 7 March 1855.
16. IBID.
17. IBID.
18. TORONTO DAILY LEADER, 12 March 1855.
19. IBID.
20. MORNING CHRONICLE, 7 March 1855.
21. TORONTO DAILY LEADER, 12 March 1855.
22. MORNING CHRONICLE, 7 March 1855.
23. TORONTO DAILY LEADER, 12 March 1855.
24. MORNING CHRONICLE, 7 March 1855.
25. TORONTO DAILY LEADER, 12 March 1855.
26. MORNING CHRONICLE, 7 March 1855.
27. TORONTO DAILY LEADER, 12 March 1855.
28. MORNING CHRONICLE, 7 March 1855.
29. TORONTO DAILY LEADER, 12 March 1855.
30. GLOBE, 12 March 1855. The major accounts of this debate (GLOBE, 12 March 1855, TORONTO DAILY LEADER, 12 March 1855, and MORNING CHRONICLE, 7 March 1855), state that Mr. Pouliot moved this amendment; however, Telegraph (GLOBE, 6 March 1855), and the numerous Telegraph reports carrying this item, report Dr. T. Fortier moved the amendment.
31. MORNING CHRONICLE, 7 March 1855.
32. TORONTO DAILY LEADER, 12 March 1855.



33. MORNING CHRONICLE, 7 March 1855.
34. TORONTO DAILY LEADER, 12 March 1855.
35. MORNING CHRONICLE, 7 March 1855.
36. TORONTO DAILY LEADER, 12 March 1855.
37. MORNING CHRONICLE, 7 March 1855.
38. TORONTO DAILY LEADER, 12 March 1855.
39. IBID.
40. MORNING CHRONICLE, 7 March 1855. TORONTO DAILY LEADER, 12 March 1855, reports "Mr. Pouliot's [or Dr. T. Fortier's?] amendment was then postponed...." This differs from Scrapbook Hansard (5 March 1855), MONTREAL GAZETTE, 8 March 1855, and HAMILTON SPECTATOR, 17 March 1855, which have reported the amendment was withdrawn.
41. GLOBE, 12 March 1855.
42. GLOBE, 12 March 1855, reports this motion but differs from the JOURNALS and attributes it to Mr. Pouliot, not to Dr. Poulin.
43. GLOBE, 12 March 1855.
44. IBID.
45. IBID.
46. GLOBE, 12 March 1855.
47. MORNING CHRONICLE, 7 March 1855.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. TORONTO DAILY LEADER, 12 March 1855.
55. Telegraph (GLOBE, 7 March 1855).
56. The commentary of LE PAYS, 10 March 1855, describes the events which occurred when the new Provincial Secretary Mr. Cartier, took his oaths. They are reprinted here for the reader's interest:

"Sir Allan McNab et M. Brodeur, ..., l'ont présenté à la Chambre.

"L'Orateur fit remarquer alors qu'il n'avait reçu aucune information officielle de l'élection de M. Cartier pour le comté de Verchères et que, par conséquent, il ne pouvait l'admettre comme membre de la Chambre.... Le galant chevalier regarde tour-à-tour l'Orateur, le plafond, les tribunes; aucun expédient ne se présente à son imagination pour le tirer d'embarras.

"M. Brodeur faisait mine de vouloir s'enfuir et regardait son siège.

"Imaginez-vous un peu la belle (sic) esclandre? Le Secrétaire-provincial qui s'exposait à être empoigné par le sergent-d'armes, et conduit comme un intrus!

"Par un bonheur providentiel, M. Cartier avait un double de l'indenture qui lui avait été délivrée par l'officier-rapporteur. Sir Allan se cramponne à l'indulgence de la Chambre, le député de Verchères fut installé par M. Brodeur."
57. MORNING CHRONICLE, 7 March 1855.
58. GLOBE, 12 March 1855.
59. MORNING CHRONICLE, 7 March 1855.
60. GLOBE, 12 March 1855.
61. MORNING CHRONICLE, 7 March 1855.
62. GLOBE, 12 March 1855.
63. MORNING CHRONICLE, 7 March 1855.
64. GLOBE, 12 March 1855.

65. MORNING CHRONICLE, 7 March 1855.
66. HAMILTON SPECTATOR, 17 March 1855.
67. GLOBE, 12 March 1855.
68. MORNING CHRONICLE, 7 March 1855.
69. GLOBE, 12 March 1855.
70. MORNING CHRONICLE, 7 March 1855.
71. GLOBE, 12 March 1855.
72. IBID.
73. GLOBE, 12 March 1855. In a commentary, GLOBE, 13 March 1855, describes Mr. Post. Gen. Spence's speech as "a most fiery philippic". TORONTO DAILY LEADER, 13 March 1855, comments that "The Opposition were perfectly dismayed.... Brown temporarily retired from the House."
74. IBID.
75. IBID.
76. MORNING CHRONICLE, 7 March 1855.
77. TORONTO DAILY LEADER, 13 March 1855.
78. MORNING CHRONICLE, 7 March 1855.
79. GLOBE, 12 March 1855.
80. IBID.
81. IBID.
82. MORNING CHRONICLE, 7 March 1855.
83. IBID.
84. IBID.
85. IBID.
86. IBID.
87. GLOBE, 12 March 1855.
88. MORNING CHRONICLE, 7 March 1855.
89. GLOBE, 12 March 1855.
90. MORNING CHRONICLE, 7 March 1855.
91. GLOBE, 12 March 1855.
92. HAMILTON SPECTATOR, 17 March 1855.
93. IBID.
94. GLOBE, 12 March 1855.
95. MORNING CHRONICLE, 7 March 1855.
96. GLOBE, 12 March 1855.
97. MORNING CHRONICLE, 7 March 1855.
98. GLOBE, 12 March 1855.
99. MORNING CHRONICLE, 7 March 1855.
100. GLOBE, 12 March 1855.
101. MORNING CHRONICLE, 7 March 1855.
102. GLOBE, 12 March 1855.
103. MORNING CHRONICLE, 7 March 1855.
104. GLOBE, 12 March 1855.
105. MORNING CHRONICLE, 7 March 1855.
106. GLOBE, 12 March 1855.
107. IBID.
108. IBID.
109. IBID.
110. IBID.
111. IBID.
112. MORNING CHRONICLE, 7 March 1855.
113. GLOBE, 12 March 1855.

114. GLOBE, 12 March 1855. In response to Mr. Spence's attacks early in the debate, the commentary of HAMILTON SPECTATOR, 17 March 1855, notes: "Mr. Sandfield MacDonald could stand it no longer, and summoning courage from the presence of Mr. Brown, who had resumed his seat, started to his feet, and pounced upon the Postmaster General, denouncing him and his colleagues".
115. MORNING CHRONICLE, 7 March 1855.
116. GLOBE, 12 March 1855.
117. MORNING CHRONICLE, 7 March 1855.
118. GLOBE, 12 March 1855.
119. MORNING CHRONICLE, 7 March 1855.
120. GLOBE, 12 March 1855.
121. MORNING CHRONICLE, 7 March 1855.
122. GLOBE, 12 March 1855.
123. IBID.
124. IBID.
125. IBID.
126. IBID.
127. IBID.
128. MORNING CHRONICLE, 7 March 1855.
129. GLOBE, 12 March 1855.
130. MORNING CHRONICLE, 7 March 1855.
131. GLOBE, 12 March 1855.
132. IBID.
133. MORNING CHRONICLE, 7 March 1855.
134. GLOBE, 12 March 1855.
135. MORNING CHRONICLE, 7 March 1855.
136. GLOBE, 12 March 1855.
137. MORNING CHRONICLE, 7 March 1855.
138. GLOBE, 12 March 1855.
139. MORNING CHRONICLE, 7 March 1855.
140. GLOBE, 12 March 1855.
141. IBID.
142. GLOBE, 12 March 1855, reports: "... the House adjourned at eleven o'clock."
143. MONTREAL GAZETTE, 9 March 1855.
144. IBID.
145. IBID.
146. IBID.
147. IBID.
148. IBID.
149. IBID.
150. GLOBE, 12 March 1855.
151. IBID.
152. IBID.
153. GLOBE, 12 March 1855. The Telegraph (GLOBE, 6 March 1855), Telegraph (LA MINERVE, 6 March 1855), and all other Telegraph accounts which carry this subject, report Mr. Cauchon's answer to be the exact opposite of that which has been reported by GLOBE, 12 March 1855. The version carried in Telegraph (GLOBE, 6 March 1855), is reprinted here for the reader's interest: "Mr. Cauchon said, ministers did not intend to introduce any measure for the amendment of the Lower Canada School Act; but they might do something with respect to the School Inspectors."

154. Telegraph (GLOBE, 6 March 1855).
155. IBID.
156. GLOBE, 12 March 1855.
157. IBID.
158. IBID.
159. IBID.
160. LE PAYS, 8 March 1855.
161. LE PAYS, 8 March 1855. Telegraph (GLOBE, 6 March 1855), differs from LE PAYS, 8 March 1855, and attributes this motion to Mr. Com. Cr. Lands Cauchon.
162. Telegraph (GLOBE, 6 March 1855).
163. LE PAYS, 8 March 1855.
164. IBID.
165. GLOBE, 12 March 1855.
166. IBID.
167. IBID.
168. IBID.
169. IBID.
170. IBID.
171. IBID.
172. IBID.
173. IBID.
174. IBID.
175. IBID.
176. Telegraph (MORNING CHRONICLE, 6 March 1855).



TUESDAY, 6 MARCH 1855.

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THE following Petitions were severally brought up and laid on the table:--

By Mr. Turcotte,--The Petition of the Reverend T. Trudelle and others, Curés and Missionaries of Somerset and other Townships; and the Petition of Jean Gagné, of the Parish of St. Etienne de La Malbaie, Notary.

By Mr. Patrick,--The Petition of the Reverend Enoch Wood and others, Ministers of the Wesleyan Methodist Church in Canada; the Petition of J. Ferrier and others, Representatives of the Wesleyan Methodist Church in Canada; and the Petition of John O'Donnell and others, of Augusta, County of Grenville.

By Mr. Brodeur,--The Petition of the Reverend L. Misaël Archambault, Founder and Principal of the St. Hugues Academy.

By Mr. Stevenson,--The Petition of L.A. Bailey and others, of the Village of Consecon and vicinity; the Petition of James McDonald and others, Directors of the Mutual Fire Insurance Company, County of Prince Edward; and the Petition of the Provisional Proprietors in the Metropolitan Gas and Water Company.

By Mr. Gill,--The Petition of Miss Eliza Hébert, School Teacher at St. Michel d'Yamaska; and the Petition of Mrs. Joseph P. Grenier and Mrs. Luce P. Bergeron, School Teachers at St. Michel d'Yamaska.

By Mr. Felton,--The Petition of the Reverend G.L.E. Duhault and others, of the Townships of Wotton, Weedon, Garthby, Stratford, Winslow, and Ham.

By Mr. Bellingham,--The Petition of Charles John Forbes, of Carillon, Gentleman.

By Mr. Crawford,--The Petition of the Municipal Council of the United Counties of Leeds and Grenville.

By Mr. Whitney,--The Petition of the Reverend Joseph Scott and others, of the County of Missisquoi.

By Mr. Brown,--The Petition of the Municipal Council of the County of Lambton;--the Petitions of Thomas Orchard and others,--the Petition of Hugh Sharon and others,--the Petition of Levi Fowler and others,--and the Petition of Andrew Crosbie and others, all Members of the Canadian Prohibitory Liquor League.

By Mr. Darche,--The Petition of Pierre Viger and others, of the Parish of Boucherville, County of Chambly, Censitaires.

By Mr. Delong,--The Petition of John McDonald and others, Proprietors of Water-power on the River Gananoque.

By Mr. Wilson,--The Petition of James V. White and others.

Mr. Murney, from the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, informed the House, That James Smith, Esquire, a Member and the Chairman of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, this day.

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Ordered, That Mr. Pouliot have leave to bring in a Bill to amend the Lower Canada Municipal Acts to provide better for the apportionment of the cost of Road Work in places where no valuation Roll has been made, and to legalize certain existing apportionments.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday the twentieth instant.

MR. SOL. GEN. H. SMITH moved that the following Proviso be added to the 33rd Rule of this House, that is to say: Provided that no second motion to the same effect shall be made until after some intermediate proceeding may be had.<sup>1</sup> He pointed out the inconvenience arising from the operation of the rule as it now stood. It put it in the power of two or three members to move one adjournment after another, no matter how large the majority opposed to the adjournment might be.<sup>2</sup> In submitting his motion, he explained that its object was to make it impossible for a few members of the House to prevent the closing of a Debate, by successive motions of adjournment. He recollected of one instance in which from eleven to one o'clock he had himself by one motion of adjournment after another exhausted the patience of the House, and compelled the Debate to be postponed.<sup>3</sup>

MR. J.S. MACDONALD (Glengary) opposed the motion, regarding the present practice as necessary for the protection of the Minority, and one which the members of the administration themselves, were they still in ... opposition, would be most desirous of having maintained.<sup>4</sup>

MR. BROWN also opposed the motion. There were many cases in which a Government might be pushing measures with undue haste, when it was in the highest degree desirable that the Minority should have the means in their own hands of delaying a final decision, till an opportunity should be given the country of expressing an opinion on those measures. And there was a sufficient check on the improper exercise of this privilege, in the circumstance that all the votes were printed and went to the country the morning after they were given. Probably the Solicitor General, on the occasion he had referred to, when he saw his successive motions in the Proceedings of next morning, would have felt far from satisfied with himself, had he been unable to justify his course before his constituents and the country.<sup>5</sup>

MR. PRES. EX. COUN. MACNAB said the rule had been amended in the House of Commons in the very same way in which it was proposed to amend it here, as it was formed to occasion interruption to the business of the House.<sup>6</sup>

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*Mr. Solicitor General Smith moved, seconded by the Honorable Sir Allan N. MacNab, and the Question being put, That the thirty-third Standing Rule of this House be amended, by adding the following Proviso at the end thereof: "Provided, that no second Motion to the same effect shall be made until after some intermediate proceeding may be had;" the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Bellingham, Blanchet, Cameron, Cartier, Cayley, Chabot, Chapais, Chauveau, Chisholm, Church, Clarke, Cook, Crawford, Jean B. Daoust, Delong, Desaulniers, Dionne, Dostaler, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Jackson, Labelle, Laporte, LeBoutillier, Lemieux, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Matheson, Meagher, Mongenais, Angus Morrison, Patrick, Polette, Pouliot, Rankin, Robinson, Shaw, Solicitor General Smith, Southwick, Spence, Stevenson, Thibaudeau, Turcotte, Whitney, and Yeilding.--(53.)*

NAYS.

*Messieurs Aikins, Bourassa, Brown, Bureau, Charles Daoust, Darche, Jean B.E. Dorion, Fergusson, Ferrie, Flint, Foley, Frazer, Hartman, Holton, Laberge,*

Lumsden, John S. Macdonald, Roderick McDonald, Marchildon, Mattice, Munro, Prévost, Rolph, Sanborn, Scatcherd, Valois, Wilson, and Wright.--(28.)  
*So it was resolved in the Affirmative.*

*Ordered, That Mr. Charles Daoust have leave to bring in a Bill to amend the Judicature Act of Lower Canada.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Charles Daoust have leave to bring in a Bill to establish a Registry Office in Municipality No. 1, of the County of Beauharnois.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Mr. Laberge, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the*

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*County of Montmagny, informed the House, That William Frederick Powell, John P. Crysler, and James Ross, Esquires, Members of the Committee, were not present within one hour after the time appointed for the meeting of the said Committee, this day.*

*Ordered, That William Frederick Powell, Esquire, do attend in his place in this House To-morrow.*

*Ordered, That the Honorable Mr. Attorney General Macdonald have leave to bring in a Bill to make further provision for the Grammar and Common Schools of Upper Canada.*

MR. BROWN would not enter into a discussion of the Bill at this stage, but might remark that ... this was the first time a Bill had been introduced applying to both the Common and Grammar Schools. Would it be convenient to ... unite the Legislation for both departments in one statute?<sup>7</sup>

MR. AT. GEN. J.A. MACDONALD replied that one object of the Bill was to enact that Grammar School Trustees and the Trustees of Common Schools in each municipality or city should form one Board, another was to have a Model Grammar School in connection with the Model Normal School. The union though unusual, could hardly be avoided.<sup>8</sup>

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*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.*

*Ordered, That the Petition of the Municipal Council of the County of Waterloo, be printed for the use of the Members of this House.*

*The Order of the House of yesterday, for the attendance of James Smith, Esquire, in his place in this House this day, being read: And Mr. Smith not attending in his place;*

*Ordered, That the 84th Section of "The Election Petitions Act of 1851" be now read:--And the same being read;*

*Ordered, That James Smith, Esquire, being one of the Members of the Select Committee appointed to try and determine the matter of the Petitions complaining*



of an undue Election and Return for the County of Megantic, and not having been present within one hour after the time appointed for the meeting of the Committee yesterday, and this day, and not having attended in his place in the House this day, be taken into the custody of the Serjeant-at-Arms attending this House, for such neglect of duty.

Mr. Gould, from the Committee of the whole House to consider the expediency of repealing part of the Act 16 Vic. cap. 184, reported a Resolution; which was read, as followeth:--

Resolved, That it is expedient to repeal so much of the Act 16 Vic., cap. 184, as imposes the necessity of taking out a Licence in each County or United Counties in Upper Canada, by persons disposing of Articles manufactured in the Province.

The said Resolution, being read a second time, was agreed to.

Ordered, That Mr. Crawford have leave to bring in a Bill to repeal part of the Act 16 Vic. cap. 184, relating to Licences on Articles manufactured in this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

The Order of the day for taking into consideration the Report of the Select Committee appointed to enquire into and report upon the means of publishing and obtaining a correct and impartial Report of the Debates of this House, being read;

Ordered, That the said Order of the day be postponed until Thursday next.

The Honorable Mr. Cartier, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General,--Return to [an] Address from the Legislative Assembly of the 6th December, 1854, for copies of all the Complaints which have been made against Mr. Maguire, Inspector and Superintendant of Police of Quebec.

For the said Return, see Appendix (B.B.B.)

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Return to an Address from the Legislative Assembly to His Excellency the Governor General of the 26th ultimo, for copy of Correspondence (if any have taken place) between the Government and J.S. McCord, Esquire, Circuit Judge, respecting change of place for holding the Circuit Court in and for the Beauharnois Circuit:--

No correspondence of the nature alluded to in the above mentioned Address has taken place between the Government and Mr. Circuit Judge J.S. McCord.

By Command,

Secretary's Office,

Quebec, 6th March, 1855.

Geo. Et. Cartier, Secretary.

Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 28th ultimo, praying His Excellency to cause to be laid before the House, copies of all memorials and letters addressed to the Government before and since the eighteenth of December last, by the Clergy of the Churches of England, Scotland and Rome, and by the British Wesleyan Methodist Church, for Indian Missions in this Province, and the Bodies representing the same respectively, or any or either of them, including any Schedule or List of the names of the Stipendiaries claiming a right to stipends or allowances, or to a Commutation of the same under the terms of the Act passed on the eighteenth



of December last, intituled, "An Act to make better provision for the appropriation of money arising from the Lands heretofore known as the Clergy Reserves, by rendering them available for Municipal purposes," together with the replies of the Government thereto, including copies of any Orders of Council touching such Commutation.

For the said Return, see Appendix (L.L.)

The Honorable Mr. Cartier, one of Her Majesty's Executive Council, presented, by Command of His Excellency the Governor General,--Municipal Returns for Lower Canada, under the Act 16 Vic. cap. 163.

For the said Returns, see Appendix (K.)

The Order of the day for the second reading of the Bill to incorporate l'Hospice de St. Joseph de la Maternité de Québec, being read;

Ordered, That the Bill be read a second time To-morrow.

The Order of the day for the second reading of the Bill to abolish the right of Appeal to Her Majesty's Privy Council in certain cases, being read;

Ordered, That the Bill be read a second time on Friday next.

MR. MERRITT moved the third reading of the Bill to amend the Port Dalhousie and Thorold Railway Act.<sup>9</sup>

MR. PRES. EX. COUN. MACNAB wished the third reading put off until the railroad committee should have reported on some questions involved in this bill.<sup>10</sup>

MR. CAMERON intimated his intention to oppose the bill, and wished to ask the Government whether they intended to authorize competing railroad lines to be constructed by any parties who chose to take them in hand.<sup>11</sup>

MR. PRES. EX. COUN. MACNAB said that some understanding on that point would shortly be come to, and a measure originating with the railroad committee would be submitted to the House, before the member for Lincoln's bill came up again.<sup>12</sup>

MR. MERRITT said that this bill had already been before the railroad committee, reported on by that committee, and affirmed by a majority of the House, and he might have carried it through the third reading before the recess, but had postponed it for a day out of deference to the member for Niagara, who happened to be absent. The Railroad for which he asked this bill was no competing line, but one of great public utility, which would bring the products of the south shores of Lake Erie down to Lake Ontario, and through Canada, and if any man in this House opposed the bill, he did so on private and not on public grounds. But, as it appeared that the Government intended to bring in a general railroad law, a thing he decidedly approved of, he was perfectly willing to postpone the bill for a short while, until he ascertained the decision of the Government.<sup>13</sup>

MR. PRES. EX. COUN. MACNAB explained that he had not meant to say that the Government intended to bring in a general railroad act. He merely said that the particular question adverted to by Mr. Cameron would be brought before the railroad committee, and that they would come to some decision on the subject. Personally, he (Sir Allan) was opposed to all competing lines.<sup>14</sup>

MR. BROWN.--Surely the honorable and gallant knight does not mean to say that the Government intend to cast off the responsibility of an important question like this, and to place it on one of the Standing Committees! Such a measure should originate with the Government, and then be referred to the railroad committee, if necessary, to be maturely considered. If the gallant knight

takes any other course, he does not assume that proper responsibility which devolves upon him as a minister of the Crown. (Hear, hear.)<sup>15</sup>

MR. PRES. EX. COUN. MACNAB.--I will take precisely the course that I said I would take. I am chairman of the railroad committee, and will consult with them on this subject, and when the proper time comes, I will communicate with my colleagues, and they no doubt will act as they may be required to do in the circumstances.<sup>16</sup>

MR. CAMERON, in reply to Mr. Merritt, said that the proposed railroad would be a competing line to the Erie and Ontario railroad, which had a charter already.<sup>17</sup>

MR. MERRITT repeated his assertion, and stated that the Erie and Ontario railroad had no right to go to Dunnville by their charter, and this the honorable and learned member for Toronto himself, as a lawyer, would be forced to admit, if he examined it.<sup>18</sup>

The order of the third reading of the bill was then postponed<sup>19</sup>.

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*The Order of the day for the third reading of the Bill to amend the Port Dalhousie and Thorold Railway Act, by extending the said Road from Thorold to Port Colborne, and for other purposes, being read;*

*Ordered, That the Bill be read the third time on Tuesday the twentieth instant.*

*The Order of the day for the second reading of the Bill to constitute the Electoral County of Sherbrooke into a separate Municipality, and to establish a Registry Office therein, being read;*

*Ordered, That the Bill be read a second time To-morrow.*

*The Order of the day for the second reading of the Bill to constitute the Electoral County of Argenteuil into a separate Municipality, being read;*

*Ordered, That the Bill be read a second time on Wednesday the fourteenth instant.*

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*The House, according to Order, resolved itself into a Committee on the Bill to extend the time for completing the Louth Harbour; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Bell reported, That the Committee had gone through the Bill, and made an amendment thereto.*

*Ordered, That the Report be now received.*

*Mr. Bell reported the Bill accordingly; and the amendment was read, and agreed to.*

*Ordered, That the Bill be read the third time To-morrow.*

MR. DARCHE moved the second reading of the bill to require annual returns from educational establishments.<sup>20</sup>

MR. COM. CR. LANDS CAUCHON said he must oppose the bill, especially as the mover of it had given no explanation of his reasons for introducing it, and of the object aimed at.<sup>21</sup> [He] said the measure was uncalled for<sup>22</sup>.

MR. HOLTON said the bill was a very short one, and<sup>23</sup> that the very title of the bill, sufficiently explained its object, and he was surprised that the Government should prevent the procuring of information which it was very important to have.<sup>24</sup>

MR. COM. CR. LANDS CAUCHON said that a bill of this sort required some further explanation than its mere title afforded. At present the House had the power of demanding information if it chose from any of these institutions, and why introduce a bill for the same purpose. The promoter of the bill, he believed, was influenced by<sup>25</sup> sinister<sup>26</sup> motives which he would not like to avow, and he begged therefore to move an amendment that the bill be not now read a second time, but that it be read a second time this day six months.<sup>27</sup>

MR. J. DORION (Drummond) explained in French the object of the bill, which he stated was to carry out the principle that all institutions receiving grants of the public money should be bound to give annual returns of the mode in which they were conducted.<sup>28</sup> Some academies and other educational institutions were already obliged to report to parliament.<sup>29</sup>

MR. J.S. MACDONALD (Glengarry) said that all other corporate establishments, receiving aid from the public chest, were required to make annual returns for the information of the House and of the country, and why should educational institutions be excepted? What possible reason could the Government have for refusing to allow this information to be obtained? He was astonished that the Commissioner of Crown Lands should have got up and opposed so reasonable a demand as that contained in the bill. At the same time such opposition coming from the leader of the Lower Canadian section of the administration was very significant. (Hear, hear.)<sup>30</sup> The public had some reason to apprehend such a course from that honorable gentleman, and he had thus early in his ministerial career justified their most sincere anticipations.<sup>31</sup> It was just in conformity with the predictions which had been thrown out as to the influence that honourable gentleman would have in the administration, that a bill of this nature should be the first one to receive his most strenuous opposition. (Hear, hear.) Let honourable members bear in mind that the object of the bill was to require all educational institutions obtaining public aid to furnish yearly returns of the manner in which they expended the money so received, instead of making it necessary, in order to obtain that information, to move a separate address to the Governor General in each particular case. Let honourable members consider this, and then ask themselves whether any good reason had been given by the Commissioner of Crown Lands for opposing a bill, making so reasonable a demand. (Hear, hear.) There must be some reason for this opposition, which it would not be at all creditable to the administration to have brought out. It was not unlikely that the Commissioner of Crown Lands had taken his colleagues themselves by surprise in the stand he had now taken, but he trusted there was spirit and independence in the House to have this bill read a second time, in spite of the remarkable opposition it had met with.<sup>32</sup>

MR. SOL. GEN. H. SMITH.--No doubt members for Lower Canada would be obliged to the honorable member for Glengarry for taking charge of the defence of their bill. But he found it also applied to Upper Canada. All educational institutions in the province not now compelled to report to parliament should be compelled to report, shewing the real property held by them, list of tutors, whether lay or ecclesiastic, number of pupils, &c. Now the common schools throughout the province did not report to parliament but to the Superintendent of Education.<sup>33</sup> If it became law, the trustees of Grammar Schools would be required to make annual returns to the Legislature. He was satisfied that if such returns were enforced, no one would be got to serve as trustees.<sup>34</sup> All these reports, numbering several thousands, would therefore have to be made in quadruplicate hereafter, giving the trustees an immense amount of useless



trouble.<sup>35</sup> As regards its effect on Lower Canada Institutions, he did not find any demand for such a measure by members from this section of the Province. And he thought it would be time enough to pass such a bill when it was demanded by the people of Lower Canada.<sup>36</sup>

MR. HARTMAN said there was a special proviso in the bill, which removed that objection, and, if not sufficiently explicit, it could be made so in committee.<sup>37</sup>

MR. SOL. GEN. H. SMITH then repeated the insinuation, originating with the Commissioner of Crown Lands, that the bill had been framed to meet some particular case, and to give trouble to some institution in the locality of the gentleman who had introduced it.<sup>38</sup>

MR. O'FARRELL maintained that those educational institutions, which were not required by law, on being incorporated, to furnish the information asked for, had now a vested right to withhold it. (Oh! oh!) There must have been some reason for the wise forbearance in not insisting that annual returns should be furnished, and it was now too late to interfere with what had become a vested right.<sup>39</sup> When such details as these had been moved for from certain railways and other commercial companies, the House had refused to authorize the demand. They should do so and ought to do so with still greater propriety in respect of these institutions.<sup>40</sup> It was sufficiently apparent to his own mind that the object of the bill was to level an attack at the Catholic institutions of Lower Canada.<sup>41</sup>

MR. CHABOT said if the bill simply ordered a return of how the money granted was spent he should not object to it. Parliament had a right to demand this. True many might rather decline to receive the pittance<sup>42</sup> [OR] balance<sup>43</sup> granted them than take it on such troublesome conditions, but parliament might perfectly exact this much. But the bill asked too much. If amended in that way he should have no objection to vote for it. Such returns might serve a good purpose and disabuse the minds of many people of prejudices entertained against the management of Lower Canada educational institutions. Much of the information asked for by the bill in its present shape, however, was wholly unnecessary.<sup>44</sup>

MR. MACKENZIE said this evening's proceedings furnished a curious illustration of the remarks he had made last night, when he described the Government as an omnium gatherum of all sorts of old rubbish and antiquities. (Laughter.) The Postmaster General then rose in his place and without anybody asking him delivered himself of a splendid oration to prove that the whole Government was just as liberal as himself. But the very moment a bill was introduced, which would enable them to illustrate their liberality by supporting it, they gave the lie to their professions, and endeavoured to kick it out. Was he not right in describing them as akin to the fossils which were possessed of life and motion in some old period of the world's history, but were now dead and useless. He wished Capt. Grose were here. The captain would at once find himself at home among the gentlemen on the treasury benches. (Laughter.)<sup>45</sup> They had declared in a recent act that they wanted no union between Church and State, even the honorable and gallant knight, who had for 30 years chaunted the praises of the union of Church and State subscribed that declaration. But now it seems they did want to pay large sums out of the consolidated revenues of the country for sectarian religious institutions, and not call on them to give any account of it.<sup>46</sup> When this House was constantly asked for sums of money to build temples for educational establishments connected with religious bodies, the Government



came forward to oppose a measure like this; refusing any information as to the mode of managing the funds which were placed at their disposal. The Government used no argument against the Bill. Would any member of the Government stand up in his place and say that an Institution which had last year got £500, should not furnish, this year, a statement of how that money was spent?<sup>47</sup> (Hear, hear.)<sup>48</sup> The banks and other corporate bodies published periodical statements of their affairs in order to give the public confidence in them, and assure them of the proper use of privileges bestowed on them by parliament. Why should not the same thing be exacted from collegiate institutions enjoying parliamentary grants. A similar enquiry had been set on foot by Lord Brougham in England, and it had been found that large funds originally devoted to educational purposes had been perverted from their original destination, and legislation ensued to return them to those uses. Thus the education of a million of children in England had been provided for. He understood that in some Lower Canada institutions, where several scholars were supported at the expense of the government, the scholarships had been made a matter of party patronage not given to assist the meritorious poor. He would like to know if this was true. As for this bill it was an honor to the Lower Canada member who brought it in and would be an honor to the House if they passed it.<sup>49</sup>

MR. FELTON, said the support given to this bill by Hon. members opposite<sup>50</sup> [and] from the remarks which had fallen from the honourable member for Haldimand, [he] had no doubt that this was an unequivocal attack on the Catholic institutions of Lower Canada.<sup>51</sup>

MR. MACKENZIE denied that he had ever said a word against the Catholic institutions of Lower Canada, either on this floor or on the continent of America.<sup>52</sup>

MR. FELTON remarked that, if that were the case, it was from no want of will, for every one knew that if the honourable member could say anything against the Catholic institutions, he would soon say it. He considered that the only effect of the bill would be to bring in cart-loads of returns of which they could make no use. He held in his hands at this moment--not the returns now called for by law, because none in this House would be strong enough to carry them--but a mere list of the institutions bound to give those returns, a list covering fourteen closely printed pages. And who has ever read them?<sup>53</sup>

MR. MACKENZIE.--I have read every one of them.<sup>54</sup>

MR. FELTON.--If the honourable member has read them, how can he get up and say that no information is furnished as to the working of those institutions?<sup>55</sup> [He] pointed out that twenty-five Educational Institutions of Lower Canada already made returns. None of the supporters of this Bill had shown the candor to make this admission.<sup>56</sup> He could not oppose the granting of such proper demands for information into the expenditures of the funds given to these institutions, but this was not asked for in the right way by this bill. It asked too much.... The promoters of this measure should have proceeded by a Committee to enquire into the necessity for it in the first instance.<sup>57</sup>

MR. SOMERVILLE, as a Lower Canadian member, must say that he could see no reasonable objection to this bill. When large sums of money were indiscriminately given to those institutions, there must be some hidden reason for opposing the demand for information as to the manner in which that money had been expended? (Hear, hear.) He should therefore vote for the second reading of the

bill, although he regretted that he should be forced on the present occasion to vote against a Government, to whom he had been accustomed to yield a hearty support. (Hear, hear.)<sup>58</sup> If the details required amendment, as appeared from some of the objections raised, they could be amended in Committee.<sup>59</sup>

MR. WILSON complained that no reasons had been given by the Government for opposing a bill, which was so reasonable on the face of it, as it could hardly be disputed that it was desirable that the Legislature and the country should be put in possession of the fullest information touching all those institutions to which public aid was granted. (Hear, hear.)<sup>60</sup> The Legislature had sanctioned the principle of this bill by making the furnishing of such returns a condition of the charters of all recently created educational institutions when incorporated. That rule should be extended and made universal. If the provisions of the bill were too wide on the face of them, that defect could be remedied in Committee. The proviso showed the intentions of the framer, and the soundness of the principle<sup>61</sup> so reasonable as to meet the approbation of every unprejudiced mind. He denied hostility to Lower Canada in supporting the bill. The propriety of such a bill commended it to his support.<sup>62</sup>

MR. HOLTON desired to speak to one point, and only one point raised by the honourable member for Wolfe, (Mr. Felton.) That honourable member affirmed that those who favoured this bill were actuated by motives of hostility to Lower Canada Catholic institutions. He did not know by what right the honourable member assumed the guardianship of Catholic institutions, but at all events he was not afraid that any one who knew him (Mr. Holton) would charge him with being actuated by hostility to those institutions. And the accusation was absurd in the present instance, the bill being introduced by a Roman Catholic representative of a Roman Catholic constituency, seconded by another Roman Catholic representative of a Roman Catholic constituency, and applying to Protestant as well as to Roman Catholic institutions.<sup>63</sup> The opposition offered to this measure was not based on any reference to its merits or demerits, but was raised for partizan purposes by an honorable member who aspired to lead Roman Catholic sentiment in Lower Canada, and another hon. member who, with charges impending over him, was about to be investigated by the House, desires to throw a shield of Roman Catholic influence in the House before him, to protect himself.<sup>64</sup> (Order, order!)<sup>65</sup>

MR. FELTON rose to order. What right had the honourable member for Montreal to know that those charges would be brought forward, or impertinently to assume that those charges were true? He appealed to the Speaker whether the honourable member should not be called upon to retract.<sup>66</sup>

MR. PRES. EX. COUN. MACNAB said, if the charge made by the member for Montreal, was that the member for Wolfe by the position he took up in regard to this bill, was endeavouring to induce Lower Canadian members to assist in defending himself against accusations that would shortly be brought against him, then no language could be too strong to characterize the unparliamentary conduct of the member for Montreal.<sup>67</sup> The course pursued by the hon. member for Montreal was most improper, and calculated to forestall the opinion of the house on a question not yet before it. They could not then move to have his words taken down and exact an apology, but he trusted the hon. member would see the impropriety of the expressions he had made use of, and feel that it was due to himself as well as to the house and country to retract and apologise for them. If not there was still another proceeding by which the honorable member might be compelled by the house to conduct himself as a gentleman.<sup>68</sup>

MR. HOLTON said that if, in the language he had made use of, he had exceeded the rules of debate, he exceedingly regretted it, but he regretted also that the gallant knight, in his capacity as the leader of this House, should not have chosen to administer rebuke in terms more in consonance with the canons of conventional intercourse. He thought the rebuke involved a much greater offence against the proprieties of Parliamentary debate, than the original offence imputed to himself. When the hon. member for Wolfe chose to impute to him and the other supporters of this Bill that they were actuated by hostility to Roman Catholic Institutions, he felt strongly and repelled strongly such an imputation<sup>69</sup> which was utterly unjust.<sup>70</sup> But if in doing so, he exceeded the proper limits of debate, he exceedingly regretted it, and was willing to make such an apology as might be called for by the House. He was not aware, however that in the present case, he had transcended the usual limits of debate.<sup>71</sup>

MR. FELTON said he had not meant anything offensive in his own remarks, for he was not aware that there was any sin in a gentleman having a political hostility to any particular faith.<sup>72</sup> The honorable member for Montreal had not spoken before him, therefore his remarks could not have applied to him, they were more especially intended for the Upper Canada supporters of this bill<sup>73</sup>. But it was a much graver charge that was made against himself and the hon. member made use of those words on purpose to<sup>74</sup> arouse (sic) Upper Canada anti-Catholic prejudices against him<sup>75</sup>, and to forestall the decision of the House on the case referred to (order, order.)<sup>76</sup> He hurled back the charges and insinuations of the honorable member in his teeth. He asked for no shield or influence to aid him to defend himself. He could and would be prepared to defend his character, whenever, however, and by whomsoever assailed.<sup>77</sup>

MR. FERRES, as another Lower Canada member, must vote for the second reading of the bill. Aside from all prejudices, religious or otherwise, he felt bound to support the principle that whenever public money was given, an account for its expenditure must be rendered. In Lower Canada he felt this was much needed. In Upper Canada they might have already sufficient checks provided by the excellent educational system, upon this expenditure. In Lower Canada they had not. He was opposed to all class legislation especially that for religious purposes. He would have all their institutions receiving legislative grants or legislative privileges whether Protestant or Catholic placed upon the same footing and obliged to account in the same manner. The bill was a step in the right direction, its defects might be amended in Committee, and if passed into law it might avert the evil which resulted in England<sup>78</sup> [where] trusts of the most important character had fallen into improper hands, and large sums of money granted for educational purposes had been dissipated, or used for entirely different purposes, in consequence of the Government exercising no surveillance over the management of the funds. To prevent such a state of things here, he would vote for this Bill. The education of the country was a matter of that sacred character, that it could not be too closely watched by the Government.<sup>79</sup>

MR. CHAUVEAU, thought the bill no such terrible affair as it had been represented. He believed, however, that the friends of the measure might better have attained their object in another manner<sup>80</sup> [OR] on another occasion.<sup>81</sup> There was a better mode of getting information as to the condition of educational institutions, than by requiring trustees to furnish information. By addressing the Governor, all the information necessary for the House to know could be got.<sup>82</sup>

MR. COM. CR. LANDS CAUCHON was not opposed, nor was the Government, to the principle so earnestly contended for on the opposite side. He was prepared to



admit the right of Parliament to call on any institution to account for the manner in which it had expended any grant of money. He would make the giving of this information a condition of all new charters granted.<sup>83</sup> Grants should be refused to any Institutions that should refuse to give the information when asked for. And he would go further than this. He would admit that, if at any time inconvenience arose from no general law being in exis[t]ence requiring such returns, he would willingly vote for a carefully prepared and well digested measure, providing for those returns being made. But he opposed this Bill, firstly, because it was introduced under peculiar circumstances, and was the result of certain feelings,<sup>84</sup>--a feeling of ill-concealed hostility to certain Lower Canadian institutions<sup>85</sup>,--and should therefore be opposed, because when they went into general legislation, they should be guided by different feelings altogether. And he opposed it also, because it not only affected the Institutions mentioned in the Bill but because it would have the effect of obliging every School Trustee to send in a report of his school. Another reason he had for opposing the Bill was the disposition it shewed to attack Catholic Institutions. If there was no such feeling, why did it provide for "distinguishing which of the Professors and Teachers are Laymen and which are Ecclesiastics?"<sup>86</sup> What purpose could such information serve but the gratification of some religious pique. Besides the bill was wholly uncalled for and unnecessary. These returns had always been furnished when called for, until some refusal of information was required, legislation was not required. When there was any such refusal, he should be prepared to give his support to legislation necessary to compel returns.<sup>87</sup>

MR. SANBORN said the hon. gentleman at the outset of his remarks had established most thoroughly the necessity for this Bill. He had given every sound reason why the bill should pass and only the flimsy reason it should not pass, that he suspected the motives of those who had brought it in. (Hear, hear.) He thought that as legislators they ought to take higher ground than this, and support the measure if it was a good one without troubling themselves with the inquiry whether it had originated in proper motives or not.<sup>88</sup> They ought none of them to take their position as the partizans of any religious body. They were sent there and were bound to protect the civil rights of the people whom they represented, even though it should be at the expense of any religious body with which they were connected. It seemed to him that the only correct principle in these matters was that on which the bill was based, viz, that whenever any educational or eleemonysary (sic) institution received government moneys it should account to Parliament for the expenditure, showing by an account of its progress and position how much good it had been enabled to effect. This measure seemed to be treated by some as an attack on the Roman Catholic Church, but he could not see what harm it could do it. For his part he always endeavored to divest himself of all prejudices respecting religious bodies, and he would never lend his influence to any such attacks. He desired to act, and he thought other Hon. members should act upon the simple consideration whether it was expedient that such a measure as this should pass or not.<sup>89</sup>

MR. CAMERON said that he had not understood as yet from any member of the Government, that they entertained any objection to the principle of the Bill; and seeing on the notice-paper the notice of a bill by the Inspector-General for the auditing of the public accounts, he considered himself at liberty to assume, until it was contradicted, that the Government intended to introduce into that bill provisions which would secure the object aimed at in this one, but in a



more efficient manner.<sup>90</sup> How could it be possible for them to be sincere in that matter, if they refused to accept the principle of the Bill before the House.<sup>91</sup> This was a matter which peculiarly belonged to the Government to take up; and until he learned that they threw off the responsibility of taking measures to secure full information from all those institutions receiving grants of the public money, he would be prepared to resist a bill for the same object introduced by a private member. If the Government disavowed any intention of bringing in such a measure, then he would feel called upon to support this one, crude and ineffective though it were. He avowed himself in favor of the principle of the Bill, and he could not understand how any one could be opposed to it--it being simply this, that when any corporation or individual obtained a grant of the public funds for a public purpose, the Legislature, as the guardian of those funds, had a right to call on those corporations or individuals to render an account of that which was a public trust--its being a public trust being the only reason that could induce the Legislature to grant those sums of money. He could not see, therefore, what hesitation gentlemen from Lower Canada could have in procuring those returns from Catholic institutions--or what hesitation gentlemen from Upper Canada could have in procuring those returns from Protestant institutions.<sup>92</sup> There was no warrant for saying that this bill was an attack on the Roman Catholic institutions of Lower Canada. They were only asked to do what Protest[ant] institutions in Upper Canada would have to do also. He did not know any reason why the Roman Catholic institutions should hesitate or object to furnish the returns. When they asked for aid the Legislature granted it to them for public purposes, not for private use. It would have been refused if asked as a grant for private ends. They were therefore bound to account to Parliament for the manner in which they had effected the contemplated public object.<sup>93</sup> But before deciding how he should vote in regard to the present Bill, he would wait for some explanation from the Government as to whether they did not mean to assume the responsibility themselves of providing for the object aimed at by the Bill now under discussion.<sup>94</sup>

MR. INSP. GEN. CAYLEY immediately took advantage of the hint thrown out by Hon. Mr. Cameron, and stated that proper returns from the various educational establishments would not fail to be included in the proposed bill for auditing the public accounts.<sup>95</sup> In fact, such account would be required from all recipients of public moneys, without distinction. In this way a condensed report would be laid before Parliament by the Board of Audit, similar to that for Common Schools by the superintendents of education, which were (sic) satisfactory. This would save the sending into Parliament and printing in the appendixes of the journals some 3000 returns from Upper Canada, and 2000 from Lower Canada.<sup>96</sup> That could be of no possible service.<sup>97</sup>

MR. BROWN said he conceived that the hon. and learned member for Toronto had taken up a very singular line of argument. He said he had not heard any member of the Government opposing the principle of the Bill. True, but he had heard what was far worse. They dared not oppose the principle avowedly, but a motion to give the Bill a six months' hoist was made by one member of the Government, and seconded by another member of the Government--and that without any reason whatever being given for the movement. (Hear, hear.) It must have been perfectly clear to every other member besides the learned gentleman, that the opposition by the Government and their supporters was designed to kill the Bill. Why did the Solicitor-General so strenuously oppose it, alleging the miserable quibble that the Common Schools, by its provisions, would be required

to send in returns? Who doubted that the hon. gentleman who introduced the Bill framed the proviso at the end expressly to exempt from its operation all institutions already bound by law to send in returns? And when the Bill went into Committee, if that proviso was not quite so clear as lawyers might desire, it could easily be rectified. But the hon. and learned member for Toronto has another suggestion. He tells us the Inspector-General gave notice, some days ago, of a bill which might possibly include what was aimed at by this one; and if the Inspector-General will only say so, he (Mr. Cameron) promises to vote down the Bill before the House. Now, what was this Bill of the Inspector-General? Why, it is a measure to secure the auditing of the public accounts--a very different thing from that now under consideration.<sup>98</sup> How could a bill for auditing the public accounts be made to embrace the objects of this bill? How could they in such a measure include an enactment for full returns from these institutions?<sup>99</sup> The present bill took a much wider range. Its object was, not to secure proper accounting for money spent, but to obtain information to guide members in voting money. Last year, they voted £25,000 to educational institutions, for purposes of which they knew almost nothing. The Administration brought forward (*sic*) the usual long list of grants to sectarian schools and colleges, and added to it a string of new institutions, the very names of which few members had ever heard of before--nay, some of which had no existence, while others were to be brought into existence by the very money thus voted. And yet they were to be told that they were not to know how their money had been expended--what number of students received instruction through its aid--what branches were taught--who were the Professors--in short, in what manner, and with what profit, the public money had been spent! Would they not, in the course of a month, be called upon to vote [an]other £25,000 to these same institutions? and how could they say, on their consciences, that they were expending the public funds for proper and legitimate objects, unless they knew how the grants of previous years had been applied? (Hear, hear.) It was one thing to audit an account strictly after the money was spent, and quite another to judge by the success and mode of management of an institution, whether it was expedient to continue to sustain it with public money. The hon. member for Toronto says he heard no member of the Government speak against the principle of the Bill. Very true.<sup>100</sup> They were doing much worse, they were shirking the matter altogether.<sup>101</sup> Did he not hear one of their foremost supporters, the hon. gentleman from Lotbinière (Mr. O'Farrell), maintain that our asking for information as to their condition from schools we support, was an interference with their "vested rights?" ("Hear, hear," and laughter.) Did he not hear the fierce denunciations of other supporters of the Government? Has one man from that side of the House spoken a single word in favor of the principle of the Bill? Has one of the ministerial speakers admitted that it was a good measure? While they listened to the speeches of the Commissioner of Crown Lands, the late Commissioner of Public Works, the late Provincial Secretary, and the hon. member for Wolfe, against the Bill, did not the Inspector-General and his U.C. colleagues sit perfectly quiet, and allow it all to pass, without once hinting that they intended to introduce a measure of the same sort themselves? Would they have allowed their friends thus to denounce in the dark a coming ministerial measure? Not they. (Hear, hear.) The idea was entirely original on the part of the hon. and learned member for Toronto. He saw the tight place his friends were in, and kindly came to the rescue with this amusing suggestion about the Audit Bill. And it was excessively amusing to observe how greedily the honorable Inspector-General caught at it at once. (Hear, hear.)<sup>102</sup>

MR. INSP. GEN. CAYLEY.--The honorable gentleman speaks about my taking the hint. Has he not seen the notice of the Bill upon the paper?<sup>103</sup>

MR. BROWN--Yes! There is a notice on the paper of a bill for auditing the public accounts, but what has that to do with the question now before the house? If it had any, why did not the honorable gentleman state so at the outset of the debate? (Hear, hear.) How often had we seen members of the administration get up and entreat honorable members to withdraw their bills, because they intended to introduce others of a similar character themselves. (Hear, hear.) Why did they not follow the usual practice in the present instance, instead of waiting until they saw the tide was going against them, and that some plausible story must be got up to save them from an impending defeat? (Hear, hear.) It had been said that the bill had been framed to attack Roman Catholic institutions. For his own part he had never seen the bill till it was brought forward this afternoon, and had only heard of it yesterday; but now that he had seen it, he must say that he considered the people of both Upper and Lower Canada were under a deep debt of obligation to the honorable member for Chambly, for having introduced it. (Hear, hear.) It was by no means creditable to their legislation that they had last year voted grants to a whole batch of new institutions, of the very names of which they had never before heard, and knew nothing whatever of who were the professors or what were the branches taught. And yet the honorable Inspector General said it would be quite enough if they had the accounts audited! (Hear, hear.) They ought to have regular returns, and full details regarding all those institutions, so that they might come intelligently to the consideration of each separate vote. (Hear, hear.) He did not speak of Lower Canada institutions merely. He spoke of those of Upper Canada as well. There were a number of institutions in Upper Canada receiving the public money, regarding which it was desirable that they should get the fullest information. It was a well known fact that one institution<sup>104</sup> received a grant of £500 and only had three students; another, with a large grant, had only 7.<sup>105</sup> As to the Government Schools also, it had long been a crying evil that they did not furnish full reports. This no doubt would be remedied if a full enquiry was provided for in the bill of which the Attorney General had given notice to-night, but it was beyond question that a full enquiry ought to be made in every case, before they voted away the public money. After the discourses they had had as to the mode of expending the public money in the Board of Works--the lavish way it had gone almost without check--after the Government had blotted that out to a certain extent, after they had confessed their aim, and shown some desire to establish a better character for the future--how could they after all this stand up for continuing the old corrupt system in the matter of education? (Hear, hear.) If there was one department of the public service more than another into which the people's representatives should enquire diligently, it was this of education; there being no branch of the public service in which the public money was more liable to be wasted, or which at the same time gave greater scope for beneficial expenditure. It was well known in regard to Upper Canada College, that £1,100 a year had been for years wasted on that institution in a way not at all creditable to the care of this House, and that if proper enquiry had been regularly made, that money would have been saved to the country. And yet honorable gentlemen on the treasury benches' told the house that there was no necessity for any enquiry into the workings of these institutions! (Hear, hear.) He would like to see members from Upper Canada<sup>106</sup>, whether conservative or liberal,<sup>107</sup> going back to their constituents and telling them that when a bill was introduced providing that institutions receiving the



public money should send returns of the number of scholars, the branches taught, the number of teachers, the rates of fees, &c.--they, in the discharge of the trust reposed in them by the people, refused to permit enquiry and threw out the bill. And why? Because, forsooth, the honorable member for Montmorency, the ultramontane leader of the Lower Canadian section of the Government, compelled them! (Hear, hear.)<sup>108</sup> The country would mark this as the just act of that hon. member's leadership.<sup>109</sup> Last night the honorable Postmaster General told the house about the liberality of the administration, declaring that he was as conservative as any of his colleagues, and that they were quite as liberal as he was. They were all liberal and perfectly united and harmonious. Wonder if this opposition to all demand for information was a sample of their liberality! (Hear, hear.) He was a little surprised at hearing the honorable member for Montmorency repudiate the sentiments of the honorable member for Lotbinière. (Mr. O'Farrell).<sup>110</sup>

MR. COM. CR. LANDS CAUCHON.--I did not repudiate them, for I did not hear them.<sup>111</sup>

MR. BROWN.--The hon. gentleman lost very much in not having heard the words of his supporter, they were so striking. He declared that the liberty to refuse all information was a "vested right" of the Roman Catholic Institutions receiving public money. He hoped that those Reform members who had been in the habit of supporting the government would observe that this was the first movement of the hon. member for Montmorenci, and his immediate followers since that gentleman reached his present position of Leader of the Lower Canada section of the administration (Loud cries of Hear, hear.) The first move he made was to stop enquiry into the educational institutions of his country. (Hear, hear.) A gentleman who had been so long connected with the press of Lower Canada, a gentleman who owed his advancement to education, and to that greatest instrument of education, the press, that gentleman should have been the very first man to stand forward above all others in defence of the educational institutions of his country, and to have insisted that the fullest enquiry should be made as to the education that was supplied by means of the public money. (Hear, hear.) But it was a most lamentable exhibition that that hon. gentleman should have got up, and, without even any plausible pretext, without deigning to give a single argument, endeavoured to vote down this bill. The hon. gentleman looked upon the bill as the fruit of Protestant hostility to Roman Catholic Institutions. But how could that be? The bill was intended as much to reach Protestant as Roman Catholic Institutions. It was moved by a Roman Catholic, and seconded by a Roman Catholic; Roman Catholics had spoken in favour of it, and he believed a large number of votes would be given for it from that side of the House. (Hear, hear.) He really thought that a great deal of time had been unnecessarily wasted in this debate. (Hear, hear.) An hon. gentleman opposite cried hear, hear, but who had caused it? The members of the government themselves in endeavouring to throw out the bill. When the hon. member for Montmorenci, on taking his seat on the Treasury Benches brought forward a motion to give that bill a six months' hoist, and when his colleagues had to yield to his dictation, the matter was worthy of being fully debated and duly chronicled for the information of the country. (Hear, hear.) He hoped it was not an indication of what was to follow, and that the administration were to yield to the hon. member for Montmorenci as readily in other matters as in this, but he confessed he greatly feared it. (Hear, hear.)<sup>112</sup>

MR. AT. GEN. J.A. MACDONALD said the hon. member for Lambton seemed very much afraid that the ministry were disposed to yield too much to the ultra-



montane principles of the commissioner of Crown Lands. He was afraid of it, and sorry for it--no doubt very sincerely sorry. But, although many of the friends and supporters of the hon. member for Lambton were afraid of the politics and extreme course of the hon. member for Montmorenci, he was surprised that the member for Lambton should be one of those. He had always thought that the member for Lambton and the member for Montmorenci belonged to the same school of politics.<sup>113</sup> He remembered that once on a time when he (the Atty. Gen.) was in opposition, those two hon. gentlemen were on the same side, and fast allies supporting the Baldwin-Lafontaine ministry. His hon. colleague then gave a rather thick and thin support to that ministry in the House; oft times he thought voting with them when they were wrong; but whatever his hon. colleague did in the House, the Hon. member for Lambton was sure to echo and applaud outside in the Globe (Laughter.) When long lists of grants for Ste. Anne this and Ste. Anne that, or Ste. Thérèse here and Ste. Thérèse there, were brought down by that ministry and voted for by his hon. colleague, nothing could be better in the eyes of the hon. member for Lambton. Look, he would say, in that able journal of his, the Globe, look how ministers take care to provide for Education in Lower Canada, and how generously Upper Canadians vote the money for that great object. Later still, certain Lower Canadian supporters of that ministry were given a dinner in Upper Canada, at which the hon. member pronounced an eulogy on their conduct, his hon. colleague being of the number. Nay, at Brantford, whither his colleague, being a modest man, desired to go quietly and unostentatiously, the member for Lambton trotted him out and paraded him before the eyes of Upper Canada liberals in a coach drawn by six white (an hon. member near him said brown) horses. He declared then that his hon. colleague and his companions were liberals of the purest water then. Now times were changed. The hon. member for Lambton, from being editor of the ministerial Globe, had become leader of the opposition, while his hon. colleague, the Commissioner of Crown Lands remained much the same as he was in those days when the hon. member so lauded his conduct.<sup>114</sup> The hon. member was afraid that this House and the administration were to be corrupted by the ultramontane principles of the member for Montmorenci. Did he remember the Brantford dinner, where Mr. George Brown presented Mr. Joseph Cauchon to the Liberals of Upper Canada, in a most glowing and eloquent speech, as the very incarnation of Lower Canadian Liberality?<sup>115</sup>

MR. BROWN.--You are altogether mistaken.<sup>116</sup>

MR. AT. GEN. J.A. MACDONALD.--The hon. gentleman made a very able speech in which he pointed to the hon. member for Montmorenci as the representative of the liberal people of Lower Canada, and announced that so long as the happy bond of union lasted between the Reformers of Upper Canada and the Liberals of Lower Canada, so long would the liberties of the country under joint guardianship of the Globe and his honourable friend from Montmorency be safe from all attack. But now that he had attained the higher position of being leader of the opposition, he found it necessary to make a violent attack on his old friend<sup>117</sup>. It was cruel in him to attack him so bitterly, after having so recently, so affectionately patted him on the back.<sup>118</sup>

MR. HOLTON called the hon. gentleman to order. The hon. gentleman, he conceived, was not speaking to the question under debate.<sup>119</sup>

MR. BROWN.--I hope he will be allowed to go on. The whole is so completely a romance that I trust it will not be interrupted, but we may be allowed to admire the learned gentleman's wondrous powers of imagination. (Hear, hear.)<sup>120</sup>

MR. SICOTTE the SPEAKER.--The hon. gentleman is perfectly in order.<sup>121</sup>

MR. AT. GEN. J.A. MACDONALD said that, if he recollected rightly, the honourable member for Montmorenci was exhibited by the hon. member for Lambton to the public of Upper Canada, as a sort of curiosity from Lower Canada, as the very incarnation of Lower Canadian Liberalism, but now, according to the hon. member for Lambton, he was an ultramontane gentleman who was going to lead this House and the country into all sorts of anti-liberal courses. In regard to the Bill itself, he was of opinion that any gentleman who undertook to bring in a measure was bound to shew that some wrong had been committed, or some right to be asserted, but this the mover had not attempted to do, and it was quite evident that it had been drawn up for him by some friend, and that the gentleman who introduced it knew nothing at all of what was in it. (Order!) It was no doubt a sound principle that institutions receiving the public money ought to account for it, but in introducing a Bill of this sort, it should have been shown that the government had neglected their duty in calling for those returns, or that when asked for, those institutions had refused to give them. But this had not been asserted for a moment.<sup>122</sup> The principle was an undoubted one which had been so often asserted in the course of the debate--all institutions were bound to account for moneys received from the Province--but why limit it to educational institutions?<sup>123</sup> The truth was that the opposition were very much in want of ammunition with which to attack the government, and for lack of better had hold of this. It reminded him of the old story told last night by the member for Waterloo; it was a mighty fuss about a very small piece of pork. The honourable member for Lambton had alluded to the management of the Board of Works Department. They were all aware that this had been forced very much on the attention of the country by the very laborious action of the committee on Public accounts, and the result of this was a measure for auditing the public accounts that the government would shortly lay before the House, and which he hoped would be satisfactory to the hon. member for Lambton, although that was almost hoping against hope.<sup>124</sup> Nevertheless he was persuaded that his candour would compel him to vote for it however unwillingly. But this bill, while it provided for everything else, did not provide for the rendering of this very account, and was altogether such a crudity that the House could not be asked to remodel it and pass it into law.<sup>125</sup>

MR. LARWILL accused the hon. member for Lambton of inconsistency, in supporting the present Bill, while on a former occasion he did everything he could to prevent an enquiry being made into the affairs of the Elgin association which he (Mr. L.) had thought it his duty to move.<sup>126</sup>

MR. BROWN said that, so far from the statement of the hon. member being correct, he had put himself to some trouble to procure for him the latest reports, giving the fullest information as to everything connected with the institution. (Hear, hear.) He had thought that he had laid the honourable gentleman under deep obligations to him by the trouble he had taken in the matter, instead of exposing himself to the attack he had now thought proper to make.<sup>127</sup>

MR. LARWILL.--But [he] had refused to have it furnished to the House or the country, as the bill would make the Educational Institutions do. The fact was, the bill was intended as an attack on the Roman Catholic Institutions of Lower Canada, and that was why the hon. member supported it. He saw no use in passing more Acts for returns when they had not got from 50 to 100 Reports sent in which were already required by law.<sup>128</sup>

MR. TURCOTTE, MR. POULIOT, MR. MARCHILDON, MR. LABERGE, and MR. COM. PUB. WORKS LEMIEUX continued the debate in French.<sup>129</sup>

MR. TURCOTTE was not surprized that the mover and the seconder of the second reading were curious to know something about the management of the superior seats of learning, since they had had no personal experience of their benefits. It had been said they were Catholics who introduced and seconded it. Yes, they were excellent Catholics indeed, and members of a party which not long ago published a paper (L'Avenir,) particularly devoted to the advocacy of Catholic interests.<sup>130</sup>

MR. COM. PUB. WORKS LEMIEUX and MR. DUFRESNE opposed the bill.<sup>131</sup>

MR. JACKSON thought it right and proper that they should know, not merely how the money had been expended, but who were the teachers and what were the branches taught in those institutions, receiving the public money. The principle of the bill having been admitted to be a just one, he could not understand why it should be opposed, and he should therefore vote for the second reading. (Hear, hear.)<sup>132</sup> The measure to be introduced by the Government might compass the objects of the present Bill so far as related to the finances of the institutions; but it must necessarily be defective as regarded their general management.<sup>133</sup>

MR. FOLEY remarked that there was no man on the floor of the House less inclined than himself to do anything to oppose the institutions of Lower Canada, and his vote for the bill would be actuated by no hostile feeling, and he would do nothing to Lower Canada but what he did to Upper Canada. He had watched for any argument on the other side that could have induced him conscientiously to vote with the majority of Lower Canada, but he had watched in vain.<sup>134</sup> Did he conceive for a moment that the bill was levelled against their institutions, he should be the first to oppose it.<sup>135</sup> None of the arguments had convinced him, and the[y] had been as various and conflicting as the speeches were numerous. The Crown Lands Commissioner gave no reason but his own will. The member for Lotbinière alleged vested right but this argument appeared to be scorned by all subsequent speakers. The most feasible objection was that of the Attorney General, who said that it would force all the Common Schools of Canada West to report; but on examination there appeared to be nothing in this, for first of all they were obliged by law to report now, and next, being so obliged to report they were exempted in the present bill. Other members seemed to think the bill ought to be rejeucted (sic) because it was not perfect, but that was a bad argument from members whose colleague[s] had brought in bills that required to be so often amended, in the upper House. The hon. member for Kingston had alluded to a journey which the hon. member for Lambton and Montmorenci had made in company; but he had failed to complete the story and tell how it happened that he, (Mr. McDonald) who was then opposed to Mr. Cauchon was now in the ministry with him, while Mr. Brown who contended now for the same principles as he maintained then was in opposition.<sup>136</sup>

DR. ROLPH said the Attorney General, in the course of the remarks of the honorable member for Lambton, evidently felt the predicament in which the Government were placed, and with the skill of a rhetorician, had endeavoured to throw around them his playful fancy, that he might draw off their attention from the main question at issue. The Attorney General said that the honorable member who introduced the bill should have satisfied the House of the existence of some grievance, before asking them to adopt it. But were they to wait till griev-



ances grew up into a magnitude which perhaps the Legislature itself could scarcely control, before they introduced relief? The reports of the commissioners on various educational institutions at home furnished a lesson that they should not allow similar evils to grow up to the same height. He should be very sorry if, year after year, they should go on making these grants, and then find at last to their shame, that those grants had been perverted and not been used for the purposes for which they had been intended. He considered, therefore, that it was a very ill-timed, unseasonable, and unjust remark on the part of the Attorney General to say that honorable gentlemen should have waited till the country was groaning under grievances before they complained, or attempted to carry a measure of this nature. (Hear, hear.) If there was any matter more than another as to which the House and the country should be vigilant, it was as to the application of the public money, it was to see that whatever money they granted was faithfully and correctly applied, and fully accounted for. (Hear, hear.)<sup>137</sup>

Mr. Com. Cr. Lands Cauchon's amendment to give the bill a six months' hoist, was then put to the House<sup>138</sup>.

(637)

*The Order of the day for the second reading of the Bill to require Educational Institutions receiving aid from the Province, to lay certain Returns before the Legislature yearly, being read;*

Mr. Darche moved, seconded by Mr. Jean Baptiste Eric Dorion, and the Question being proposed, That the Bill be now read a second time;

The Honorable Mr. Cauchon moved in amendment to the Question, seconded by the Honorable Mr. Lemieux, That the word "now" be left out, and the words "this day six months" added at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bellingham, Blanchet, Brodeur, Bureau, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chauveau, Church, Clarke, Crawford, Jean B. Daoust, DeLong, Desaulniers, Dionne, Dostaler, Dufresne, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, Masson, Matheson, Meagher, Mongenais, Angus Morrison, O'Farrell, Polette, Pouliot, Rankin, Robinson, Roblin, Shaw, Solicitor General Smith, Southwick, Spence, Thibaudeau, Turcotte, Whitney, and Yeilding.--(55.)

NAYS.

Messieurs Aikins, Bell, Biggar, Bourassa, Burton, Chisholm, Cook, Charles Daoust, Darche, Jean B.E. Dorion, Fergusson, Ferres, Ferrie, Flint, Foley, Frazer, Gould, Hartman, Holton, Jackson, Jobin, Laberge, Lumsden, Lyon, John S. Macdonald, Mackenzie, Marchildon, Mattice, Merritt, Munro, Patrick, Prévost, Rolph, Sanborn, Scutcherd, Somerville, Valois, Wilson, and Wright.--(54.)

*So it was resolved in the Affirmative.*

*Then the main Question, so amended, being put;*

*Ordered, That the Bill be read a second time this day six months.*

*The Order of the day for the second reading of the Bill to renew the Charter of the Humber Harbour Company, being read;*

*The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.*



(638)

*On motion of Mr. Holton, seconded by Mr. Flint,*

*Resolved, That James Smith, Esquire, be excused for his absence from the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, and for his non-attendance in his place in this House this day, such absence being caused by ill-health at his place of residence, as appears by a Statement verified upon Oath, made by Mr. Alfred Patrick, Chief Clerk of Controverted Elections to the House, of his having received a Telegraphic despatch from Mr. Smith to that effect.*

*Then, on motion of Mr. Thibaudeau, seconded by Mr. Masson,  
The House adjourned.*

APPENDIX: 6 MARCH 1855.

[NOTICE OF MOTION: RE: ORGANIZATION OF THE MILITIA.]

MR. PRES. EX. COUN. MACNAB gave notice that he would bring in a bill for the better organization of the militia, on Tuesday next.<sup>139</sup>

FOOTNOTES: 6 MARCH 1855.

1. GLOBE, 13 March 1855.
2. TORONTO DAILY LEADER, 13 March 1855.
3. GLOBE, 13 March 1855.
4. IBID.
5. IBID.
6. TORONTO DAILY LEADER, 13 March 1855.
7. GLOBE, 13 March 1855.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. TORONTO DAILY LEADER, 13 March 1855.
23. Scrapbook Hansard (6 March 1855).
24. GLOBE, 13 March 1855.
25. GLOBE, 13 March 1855. MORNING CHRONICLE, 8 March 1855, reports a different order than GLOBE, 13 March 1855, placing Mr. Cauchon's speech after Mr. J. Dorion's.
26. MORNING CHRONICLE, 8 March 1855.
27. GLOBE, 13 March 1855.
28. IBID.
29. MORNING CHRONICLE, 8 March 1855.
30. GLOBE, 13 March 1855.
31. MORNING CHRONICLE, 8 March 1855.
32. GLOBE, 13 March 1855.
33. MORNING CHRONICLE, 8 March 1855.
34. TORONTO DAILY LEADER, 13 March 1855.
35. MORNING CHRONICLE, 8 March 1855.
36. TORONTO DAILY LEADER, 13 March 1855.
37. GLOBE, 13 March 1855.
38. IBID.
39. IBID.
40. MORNING CHRONICLE, 8 March 1855.
41. GLOBE, 13 March 1855.
42. MORNING CHRONICLE, 8 March 1855.
43. Scrapbook Hansard (6 March 1855).
44. MORNING CHRONICLE, 8 March 1855.
45. GLOBE, 13 March 1855.
46. MORNING CHRONICLE, 8 March 1855.
47. TORONTO DAILY LEADER, 13 March 1855.
48. GLOBE, 13 March 1855.

49. MORNING CHRONICLE, 8 March 1855.
50. IBID.
51. GLOBE, 13 March 1855.
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56. TORONTO DAILY LEADER, 13 March 1855.
57. MORNING CHRONICLE, 8 March 1855.
58. GLOBE, 13 March 1855.
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64. MORNING CHRONICLE, 8 March 1855.
65. GLOBE, 13 March 1855.
66. IBID.
67. IBID.
68. Scrapbook Hansard (6 March 1855).
69. GLOBE, 13 March 1855.
70. MORNING CHRONICLE, 8 March 1855.
71. GLOBE, 13 March 1855.
72. IBID.
73. MORNING CHRONICLE, 8 March 1855.
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77. MORNING CHRONICLE, 8 March 1855.
78. IBID.
79. GLOBE, 13 March 1855.
80. MORNING CHRONICLE, 8 March 1855.
81. Scrapbook Hansard (6 March 1855).
82. TORONTO DAILY LEADER, 13 March 1855.
83. MORNING CHRONICLE, 8 March 1855.
84. GLOBE, 13 March 1855.
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89. MORNING CHRONICLE, 8 March 1855.
90. GLOBE, 13 March 1855.
91. TORONTO DAILY LEADER, 13 March 1855.
92. GLOBE, 13 March 1855.
93. MORNING CHRONICLE, 8 March 1855.
94. GLOBE, 13 March 1855.
95. IBID.
96. MORNING CHRONICLE, 8 March 1855.
97. GLOBE, 13 March 1855.
98. IBID.
99. MORNING CHRONICLE, 8 March 1855.
100. GLOBE, 13 March 1855.



101. MORNING CHRONICLE, 8 March 1855.
102. GLOBE, 13 March 1855.
103. IBID.
104. IBID.
105. MORNING CHRONICLE, 8 March 1855.
106. GLOBE, 13 March 1855.
107. MORNING CHRONICLE, 8 March 1855.
108. GLOBE, 13 March 1855.
109. MORNING CHRONICLE, 8 March 1855.
110. GLOBE, 13 March 1855.
111. IBID.
112. IBID.
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114. MORNING CHRONICLE, 8 March 1855.
115. GLOBE, 13 March 1855.
116. IBID.
117. IBID.
118. MORNING CHRONICLE, 8 March 1855.
119. GLOBE, 13 March 1855.
120. IBID.
121. IBID.
122. IBID.
123. MORNING CHRONICLE, 8 March 1855.
124. GLOBE, 13 March 1855.
125. MORNING CHRONICLE, 8 March 1855.
126. GLOBE, 13 March 1855.
127. IBID.
128. MORNING CHRONICLE, 8 March 1855.
129. GLOBE, 13 March 1855.
130. MONTREAL GAZETTE, 10 March 1855.
131. MORNING CHRONICLE, 8 March 1855.
132. GLOBE, 13 March 1855.
133. TORONTO DAILY LEADER, 13 March 1855.
134. MORNING CHRONICLE, 8 March 1855.
135. GLOBE, 13 March 1855.
136. MORNING CHRONICLE, 8 March 1855.
137. GLOBE, 13 March 1855.
138. IBID.
139. MORNING CHRONICLE, 7 March 1855.

WEDNESDAY, 7 MARCH 1855.

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THE following Petitions were severally brought up and laid on the table:--

By Mr. Thibaudeau,--The Petition of the Municipal Council of the County of Portneuf.

By Mr. Jobin,--The Petition of the Reverend L.J. Guyon and others, of the Parish of Ste. Elizabeth, County of Joliette.

By Mr. Desaulniers,--The Petition of George Baptist and others, of the Townships of St. Maurice and Shawenegan.

By Mr. Flint,--The Petition of the Board of Common School Trustees of the Town of Belleville.

By Mr. Charles Daoust,--Two Petitions of L'Institut Canadien of Montreal.

By Mr. Holton,--The Petition of the Corporation of the Montreal Asylum for aged and infirm Women and Orphans; and the Petition of the Montreal Protestant Orphan Asylum.

By the Honorable Mr. Cameron,--The Petition of the Consumers' Gas Company of Toronto.

By Mr. Clarke,--The Petition of the Municipality of the Township of Nichol, County of Wellington; the Petition of the Municipality of the Township of Garafraxa; and the Petition of William Finley and others, of the Township of Garafraxa.

By Mr. Church,--The Petition of D. Matheson and others, of the Township of Oxford.

By Mr. Ferres,--The Petition of P. Cowan and others, of Nelsonville and Churchville, Township of Dunham.

By Mr. Bell,--The Petition of the Kirk Session of the Presbyterian Congregation of the Township of Beckwith, United Counties of Lanark and Renfrew, in connection with the Church of Scotland; and the Petition of the Presbytery of Bathurst of the Presbyterian Church of Canada in connection with the Church of Scotland.

By Mr. Jackson,--The Petition of George James Gale and others, Clerks and Bailiffs of Division Courts, County of Grey.

By Mr. Frazer,--The Petition of the President and Directors of the Agricultural Society of the County of Welland.

By the Honorable Mr. Cartier,--The Petition of the Reverend E. Lecours, Curé, and others, Churchwardens of the Fabrique of the Parish of St. Aimé, and

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others of the said Parish; and the Petition of the Right Reverend the Bishop of Cydonia, Administrator of the Diocese of Montreal.

By Mr. Bureau,--The Petition of P.D. Hébert, Esquire, and others, of the Parish of Napierville, Censitaires.

By Mr. Brown,--The Petition of the Municipality of the Township of Moore; the Petition of James Drake and others, of the Town of Port Sarnia; the Petition of the Municipality of the Township of Warwick; the Petition of the Municipality of the Township of Dawn; and the Petition of Christina Cameron and other women, of Port Sarnia.

By Mr. Bellingham,--The Petition of the Catholic Trustees of the Académie of St. André d'Argenteuil.

By Mr. Labelle,--The Petition of the Reverend M.J.E. Chévigny and others, of the Parish of St. Henri de Mascouche, District of Montreal.

On motion of Mr. Pouliot, seconded by Mr. Thibaudeau,  
Ordered, That the Deputy Returning Officers for the Parishes of Ste. Anne,  
St. Denis, Mont-Carmel, and Ixworth, in the County of Kamouraska, be heard by  
Counsel at the Bar of this House.

The Honorable Mr. Cartier, one of Her Majesty's Executive Council, pre-  
sented, pursuant to Addresses to His Excellency the Governor General,--Return to  
an Address from the Legislative Assembly of the 2nd instant, for information  
relative to the Contract between the Government and Messieurs McKean and McLarty  
for Ocean Steam Communication service.

For the said Return, see Appendix (C.C.C.)

Return to an Address from the Legislative Assembly of the 28th February,  
1855, for a Copy of the Report of A.C. Buchanan, Esquire, on the subject of  
Emigration.

For the said Return, see Appendix (D.D.D.)

Return to an Address from the Legislative Assembly of the 18th October,  
1854, for a statement of the amount of unpaid Instalments on the Lands known as  
Clergy Reserves in Upper or Lower Canada, which have been sold, but not pat-  
ented, including arrears of interest.

For the said Return, see Appendix (L.L.)

Pursuant to the Order of the day, the following Petitions were read:--

Of Alexander McCrea and others, of the District of Johnstown; of Jesse Kipp  
and others, of Sparta and its vicinity; of James Young, Reeve, and others, of  
the Township of Esquesing; of the Reverend John Lacey, President, and William  
Lawson, Secretary, in behalf of the Primitive Methodist Church in Canada, in  
annual conference assembled; of Osgood Division No. 3, of the Order of the Sons  
of Temperance; and of the Reverend Alexander Stanley and others, of the Village  
of Thorold; praying for the passing of a Prohibitory Liquor Law.

Of Robert Simpson, Esquire, and others, of the County of Argenteuil; praying  
for certain amendments to the Municipal Road Act for Lower Canada.

Of the Port Bruce Harbour Company; praying for certain amendments to their  
Act of Incorporation.

Of the Reverend F. Rochette and others, of the Parish of Lacolle, County of  
St. John's, and of Joseph Massé and others, of the Parish of Chambly, County of  
Chambly, Censitaires; praying for certain amendments to the Seigniorial Tenure  
Act.

Of Firman Perrin, of Berthier; representing that as a judgment creditor of

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Wolfred Nelson, Esquire, he fyled a claim before the Commissioners appointed  
under the Rebellion Losses Act 12 Vic. cap 58, and that a part only of his said  
claim was allowed by the said Commissioners; and praying relief in the premises.

Of the Reverend Jean Baptiste Gagnon and others, of the Parishes of  
St. George de Kakouna and St. Jean Baptiste de l'Isle Verte; praying for aid to  
erect a Depot for the relief of Shipwrecked Mariners and others, at the West  
Point of Green Island, and for a Vessel to aid in affording such relief.

Of Messieurs J.H. Jones and Company, and others, of the Village of Vienna,  
and of Port Burwell, Merchant and Traders; praying for an enquiry into the  
management and affairs of the Port Burwell Harbour Company, and for a reduction  
of Tolls.

Of the Reverend Richard Whitwell and others, of the Village of Philipsburgh;  
praying for aid in behalf of a High School in the said Village.

Of the Sherbrooke Library Association and Mechanics' Institute; praying for aid.

Of Sheldon Wells and others, of Farnham and other Townships, County of Shefford; praying that the Acts 16 Vic. caps. 138 and 213, in so far as they authorize Municipal Councils to take Stock in Railroads, may be repealed.

Of Phelix Kiernan and others, of the Parish of Ste. Monique and other places; praying for the erection of a Bridge over the North-east Branch of the River Nicolet.

Of the Reverend L. Aubry and others, of the Parish of St. Léon and other places; praying for the separation of the County of Maskinongé from the County of St. Maurice.

Of Patrick Sloan and others, of the County of Napierville; complaining that the Seigniorship of Thwaite and St. James, and Township of Sherrington, were not included in the "Act to provide for the abolition of feudal rights and duties in Lower Canada;" and praying relief in the premises.

Of the Reverend G.L.E. Duhault and others, of the Township of Wotton, County of Wolfe; praying aid for a road.

Of M.D.M. Lapierre, Esquire, Notary Public, of St. Hugues de Ramsay, County of Bagot, setting forth; that he applied in 1845 and 1849, to the Commissioners appointed to decide upon the claims for Rebellion Losses for injury done to his property to a large amount by Her Majesty's Troops in 1837 and 1838, without obtaining compensation; and praying relief in the premises.

Of Joseph Hamel and others, of the County of Quebec; taking notice of the Bill to reform the Municipal System of Lower Canada; and praying that it may not pass into Law.

Of the Mayor, Aldermen, and Commonalty of the City of Hamilton; praying for the passing of an Act to enable them to borrow a further sum of money than now authorized by 16 Vic. cap. 94.

Of Henry Clark Grant and others, of the Township of Marlborough, County of Carleton, setting forth; that their Houses and Barns were destroyed by the great Fires which prevailed in the woods last summer; and praying for relief in the premises.

Of Messieurs Babineau and Gaudry and others, Merchants, and others, interested in the Trade and Navigation of the River St. Lawrence; praying to be incorporated under the name and style of the St. Lawrence Assurance Company.

Of J.M. Hudon, of St. Louis of Kamouraska, Esquire, Advocate; praying that the explanations given in his Petition may be considered satisfactory,--and that his attendance at the Bar of the House, to answer for his conduct as Deputy Returning Officer for the Parish of Rivière Ouelle, in the County of Kamouraska, at the last General Election, be dispensed with.

Mr. Murney, from the Select Committee appointed to try and determine the

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matter of the Petitions complaining of an undue Election and Return for the County of Megantic, informed the House, That James Smith, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, this day.

Ordered, That the Return relative to the Contract of Messieurs McKean and McLarty, presented this day, be printed for the use of the Members of this House.

Ordered, That the Statements and Accounts of the University and College at Toronto, and of Upper Canada College, for 1854, and Estimate of Income for 1855, presented on Monday last, be printed for the use of the Members of this House.



Mr. Laberge, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Montmagny, informed the House, That William Frederick Powell, John P. Crysler, and James Ross, Esquires, Members of the Committee, were not present within one hour after the time appointed for the meeting of the said Committee this day.

Ordered, That the Petition of Fermin Perrin, of Berthier; and the Petition of Messieurs J.H. Jones and Company, and others, of the Village of Vienna, and of Port Burwell, Merchants and Traders, be printed for the use of the Members of this House.

On motion of Mr. Casault, seconded by Mr. Polette,

Ordered, That Octave Cyrille Fortier, Esquire, have leave to withdraw his Petition praying that the Petition of Télesphore Fournier, Esquire, against his Return as Member for the County of Bellechasse, might not be received.

On motion of Mr. Jean Baptiste Eric Dorion, seconded by Mr. Darche,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, copies of the Correspondence which has taken place between the School Commissioners of the Municipality of Grantham, or any other persons, and the Government, with respect to the School Lot in the Village of Drummondville.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, copies of all Papers, Documents, Correspondence and Returns, of the Prothonotary of the Superior Court for the District of St. Francis, relative to Suits or Informations instituted by Her Majesty's Attorney General to annul Patents to Lands in the Township of Orford granted to the heirs of the late Honorable William Bowman Felton, and of all Papers, Documents and Correspondence, relative to or connected with the surrender to the Government, or sale, or exposure to sale, by any person or persons, of all or any of the following Lots of Land in the Township of Orford:--Lots 16, 17, 18, 19, 20, in the 6th Range; 16, 17, 18, 19, 20, 21, in the 7th Range; 16, 17, 18, 19, 20, 21, in the 8th Range; 16, 17, 18, 19, 20, 21, in the 18th Range.

Ordered, That the said Addresses be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. J. DORION, of Drummond, moved, ... for an address to His Excellency for copies of papers,<sup>1</sup> relative to the School Commissioners of Grantham, in respect to the School Lot in the village of Drummondville; also, papers relative to suits instituted by the Attorney General to annul patents to certain lands in the Township of Orford granted to the heirs of the late Hon. W.B. Felton, and relative to surrender to the Government of certain lots in the Township of Orford.<sup>2</sup> [Il] dit qu'il croit devoir donner quelques explications.

En 1836 et longtemps avant, l'honorable William Bowman Felton était agent des terres publiques, pour le district de St. François, et membre du conseil législatif. Ce monsieur avait en différents temps obtenu des terres du gouvernement Impérial, car les terres étaient alors sous le contrôle de ce gouvernement.

En 1820, M. Felton demanda au Gouvernement Impérial de lui accorder 15,713 acres à lui et d'accorder 6 lots de terre à chacun de ses enfants. Il en avait neuf. Le gouvernement refusa d'accéder à sa demande, mais lui accorda un lot pour chacun de ses enfants.

Par un moyen ou un autre M. Felton obtint des patentes sous le sceau de la province pour toutes les terres qu'il avait demandées, tant pour lui que pour ses enfants, comme suit:

"William Locker Pickmore Felton, Lots Nos. 16, 17, 18, 19, 20, Rang 6,--	1135 a.
Eliza Felton, Lots Nos. 16, 17, 18, 19, 20, 21, Rang 7,--	1267 a.
Ann Felton, Lots Nos. 16, 17, 18, 16 ( <u>sic</u> ), 20, 21, Rang 8,--	1220 a.
Charlotte Felton, Lots Nos. 16, 17, 18, 19, 20, 21, Rang 9,--	1195 a.
Fanny Felton, Lots 22, 23, 24, 25, 26, 27, Rang 9,--	1261 a.
Maria Felton, Lots 16, 17, 18, 16 ( <u>sic</u> ), 20, 21, Rang 17,--	1200 a.
Mathilda Felton, Lots 22, 23, 24, 25, 26, 27, Rang 17,--	1182 a.
Louisa Felton, Lots 16, 17, 18, 19, 20, 21, Rang 18,--	1120 a.
Octavia Felton, Lots 22, 23, 24, 25, 26, 27, Rang 18,--	1120 a.
Total aux enfants .....	10862
Total à W.B.F.....	15813

Grand total.....26675["]

Plus tard, on s'aperçut de l'erreur et un grand nombre de plaintes s'élevèrent non seulement contre cette transaction, mais contre la manière dont l'agence des terres était administrée, si bien que la chambre d'assemblée s'en occupa. Le second rapport du comité permanent de griefs, daté du 8 janvier 1836, contient un examen complet de toute l'affaire.

Le comité en est venu à la conclusion suivante qui est consignée dans le rapport en question:

"Ainsi M. Felton a, avec connaissance de cause, (votre comité doit le dire) frauduleusement extorqué et reçu 10,000 acres de terres de plus qu'on ne voulait lui accorder, et il les possède encore jusqu'à ce jour."

Voilà ce que disait le comité après avoir examiné tous les documents aussi bien que les correspondances entre le Gouvernement Impérial et le département d'ici et il recommandait d'adopter les moyens de faire annuler les patentes.

En 1842, l'honor. Procureur-général, M. Lafontaine, institua une action à la Cour Supérieure du district St. François contre les représentants de feu M. Felton pour faire annuler les patentes en question. Plusieurs des défenseurs confessèrent jugement, et le 3 mars 1843, la cour annula les patentes qui se rapportaient aux divers lots de terre, mentionnés dans la proposition et ordonna que ces terres devaient retourner au domaine public.

Tout paraît bien jusqu'ici, mais vient ensuite une tentative pour reprendre ces terres des mains du gouvernement. Quelques mois après, une poursuite fut intentée par Noad et al. contre R.S. Abercrombie du township de Kingsey. Quelques années après la cour rendit jugement contre Abercrombie et toutes ces mêmes terres furent annoncées en vente par le shérif du district en septembre 1853. Sur la représentation de plusieurs personnes de Sherbrooke, le Proc.-général actuel fit suspendre la vente par son intervention au nom du gouvernement.

Après cette tentative infructueuse, on en retrouve une nouvelle en date du 16 janvier 1854. C'est une vente de toutes ces mêmes terres encore par Abercrombie à un M. Joseph Nagle de St. Hyacinthe et depuis cette époque on les exploite sur une grande échelle; on en enlève tous les jours tout le bois de commerce, une grande partie de leur valeur.

C'est là la position qu'occupe une partie de ces terres aujourd'hui, position qui n'a pas beaucoup amélioré depuis la première transaction.

Toutes ces transactions fort suspectes de la propriété publique ont créé une grande sensation dans tous les townships de l'Est et particulièrement dans le

district St. François, tant ses habitants ont eu à souffrir de la mauvaise administration des terres publiques.

On se demande ce que veulent dire toutes ces transactions, toutes ces tentatives de s'approprier la propriété et pourquoi le gouvernement n'a pas encore trouvé moyen d'arrêter cette affaire. Voilà déjà 18 ans que le rapport d'une enquête de la chambre du Bas-Canada a fait connaître cette affaire dont la chose n'est point réglée.

On peut bien se demander quelle sécurité il y a pour la propriété publique après cela?

Quand on rapproche tous ces faits et que l'on considère qu'ils se sont accomplis à la connaissance de M. W. Felton qui est actuellement conseiller de la Reine pour Sherbrooke; à la connaissance de M. Nagle, partie intéressée dans l'affaire et maintenant agent des terres de la couronne pour une partie de ce district; à la connaissance de l'hon. Procureur-général, on ne peut s'empêcher d'être étonné de la position plus qu'extraordinaire de ces terres!

Il est grandement temps que la chambre s'en occupe de nouveau, qu'elle reprenne l'affaire en mains, que des informations soient données; que l'esprit public soit rassuré, et je suis heureux d'apprendre que l'honorable Procureur-général ne s'y oppose point. Voilà ce que demandent les habitants des townships et c'est dans ce but que la proposition est soumise.<sup>3</sup>

MR. AT. GEN. DRUMMOND said this was not the proper time to discuss the matter<sup>4</sup>. He had no objection to the motion being granted, although he thought the discussion would have taken place with much more propriety when the papers asked for were in possession of the House.<sup>5</sup> The hon. gentleman had expressed his surprise at the manner in which the proceeding had been spun out. But when he came into office there was not a single book in his department in which was recorded the actions instituted and judgments obtained: of these he had no means of obtaining information. The only book kept was that in which the opinion of the law officers of the Crown were entered<sup>6</sup>.

Hear, hear, from MR. MACKENZIE.<sup>7</sup>

[MR. AT. GEN. DRUMMOND continued:] The hon. member cried out "hear, hear," but he should remember that the law department had heretofore hardly been looked on as an independent department of Government or furnished with clerks to do the immense amount of business entailed upon it. He had endeavored to remedy these defects and shewed the necessary books. But hon. members would see by the circumstances stated how it was he was not aware on his entrance into office of the position of these proceedings. He first learned them when absent from the seat of Government at Montreal attending to some pressing private business, about two years ago. His attention was then called to an article in the Sherbrooke Gazette (sic), stating that some of these lands<sup>8</sup> belonging to the Government<sup>9</sup> had been seized and advertised for sale by the Sheriff in the hands of Abercrombie at the suit of the firm of Noad & Co., of Quebec. How could he have known that the Crown had an interest in the lands thus seized? He did not carry a list of Crown Lands in his head. He immediately telegraphed to Sherbrooke and had the sale suspended--up to that time he had a sort of indistinct historical recollection of these grants but that was all. He telegraphed forthwith to the Solicitor General for information--but he could get none at the time in the Law department or Crown Lands office, but at last he got it from Mr. Holwell at Sherbrooke and the hon. member for Lambton. The position of the matter had been correctly enough stated by the hon. member for Drummond and Arthabaska. Judgment had been confessed in some of the cases (sic), and others



were still pending. All that could be done at the time was done; the sale was stopped some four or five months after, [and] he was surprised to hear that Mr. Nagle had become the purchaser of these lands. It had been charitably suggested by some members in Montreal that he (the Attorney General) had an interest in the purchase because forsooth Mr. Nagle was his Agent. Now Mr. Nagle was at one time his agent, but had ceased to be so some three years ago<sup>10</sup> [OR] two years ago.<sup>11</sup> It had been said the lands had been bought in order that the timber on them might be made available at his (the Attorney General's) mills. Now, it so happened that finding it did not do to mix up such business (sic) with his public duties he had sometime before the purchase disposed of them and paid off his debts. He would not have entered into these personal explanations but for the manner in which the charges had been bandied about, and mixed up with the question now brought before the House. He never regarded newspaper paragraphs or replied to such accusations elsewhere than on the floor of the House. As for Mr. Nagle he had bought the land in ignorance of the precise claims of the Crown to it. As soon as his attention had been called to the fact he had written to the Commissioner of Crown Lands, and had offered to surrender the property. The proceedings in the case would be prosecuted to judgment without farther unnecessary delay.<sup>12</sup>

MR. COM. CR. LANDS CAUCHON corroborated the Attorney General's remarks respecting Nagle. He had not been appointed Crown Lands Agent when he made the purchase, or for a month after.<sup>13</sup>

MR. SANBORN said that the explanations of the honorable Attorney General were not quite satisfactory to him that he had manifested due vigilance in protecting the public interests. He believed that the honorable member for Drummond had only done his duty in bringing this matter before the House. The facts are simply these: By a report of the grievance committee, made in 1836, it appeared that a large quantity of lands, about 10,000 acres, had been patented to the children of the late honorable W.B. Felton, by error. It is unnecessary to enter into an inquiry on that subject. It is fully entered into by a report of the grievance committee of that time. In accordance with a recommendation of that committee, the Attorney General lodged informations to annul these patents. In one of those suits, William L. Felton confessed judgment, and consented to the annulling of the patent, so far as the six lots granted to him were concerned, and thereby these lots became the property of the Crown. Other six lots falling to him by the decease of his sister, he surrendered by deed to the Crown, which deed is on record in the registry office in the county of Sherbrooke. Other six lots were surrendered by Mr. Justice Aylwin, and his then wife, by deed to the Crown. These same lots, together with other six granted to another member of the family of said late hon. W.B. Felton, comprising in all twenty-four lots or about 8,000 acres of land were conveyed to one Abercrombie, by said William L. Felton, and by him as attorney, for wood caused to be seized in execution and exposed to be sold. By reason of the attention of the Government having been called to the case by a local paper, as stated by the honorable Attorney General, the sale was prevented some few months. Subsequent to this transaction, Abercrombie, to whom these lots of land were sold, conveyed them to one Naigle, W.L. Felton intervening in said deed, and becoming the payee of the purchase money, £750. The honorable Attorney General has said that the Government were not possessed of information to take action to protect the rights of the Crown so recklessly violated. There may be some excuse for the inaction of the Government, up to the time when the lands



were seized upon Abercrombie. Subsequent to this time, there can be no pretence of ignorance of the facts. The honorable Attorney General admits that they were brought to his notice. If, previous to this period, the Attorney General was not aware of the state of the matter, he cannot divest himself of responsibility. The person to whom he entrusted the Crown business in the district of St. Francis should have kept him informed of the rights of the Crown necessary to be protected there. When it is considered that the Crown business was entrusted to Mr. Felton, and while he was acting in this confidential capacity, instead of maintaining the public domain from fraudulent appropriation, sought to appropriate public property to his private benefit, the Government cannot shirk the responsibility on a plea of ignorance in the premises. These lots of land are situated near the waters of the Magog, and were originally well timbered, and although the timber has to some extent been removed, are still of considerable value, from their location. It is not, however, so much the value of the lands as the principle involved that deserves the serious consideration of the Government. As the transactions relative to these lands have been brought before the House, fully and clearly, it is to be hoped that the Government will now, though at a late period, take action, prompt and unmistakeable, such action as shall convince the country that reckless speculation in public property cannot be entered upon with impunity. Honesty and integrity are equally important when public as well as private interests are concerned. Above all should those to whom is entrusted to any extent the guardianship of the interests of the public, maintain a conduct above suspicion. While he would be the last to impute any improper or interested motives to the honorable Attorney General, in allowing so extraordinary delay in prosecuting these suits to a termination, the honorable Attorney General cannot be surprised that rumors [were] calculated to bring him and the Government into discredit, when it was known what had formerly been Mr. Naigle's relation to the honorable Attorney General as his agent, and his subsequent appointment to an office connected with the Crown lands. He had nothing to say of Mr. Naigle, except that he had been informed by good authority that his attention was called to the position of these lands when he accepted the conveyance. It was with reluctance that he had entered upon this subject. It had been urged upon him by many as a duty, and conceiving it to be his duty, would not shrink from it.<sup>14</sup>

MR. FELTON had hoped for fair treatment at the hands of gentlemen opposite until last night. The hon. member for Montreal had attempted to prejudice the House against him. And now hon. members were pursuing an unfair course in bringing on this discussion before the papers were laid before the House, which would contain his vindication. They did it in order that their ex parte statements might be circulated through the press, from Gaspe to Sandwich, and create a farther prejudice in the public mind against him. And why is this done? Because the individual assailed happened to be a supporter of the Administration, and a little bunkum might be made by abusing him, and in involving a member of the Government in the charges brought against him. He appealed to the good sense of the House if it were not so, and he called on them not to be carried away by any such attempt to prejudice them. The lands in question had been granted to minor children who could not have been guilty of any fraud or corruption in the matter. The House of Assembly in those troublous times had held the grants to have been illegally and improperly made. He would not debate that question now though he believed that opinion to have been erroneous. When one of the heirs come (sic) of age, and another married, and thus acquired the rights of majori[t]y under the laws of Lower Canada, they were called on to

surrender their shares, which the[y] did; not even reserving their sixth parts to which (sic) they were legally entitled, but giving them up also much (sic) on behalf of the minors. Subsequently they become possessed of another share by the death of another of the heirs; he had surrendered that also on condition that he should get back the 200 acres of these shares to which he was entitled. He had always held, and it had been held by Mr. Justice Aylwin, another of the parties, that these surrenders were invalid and could not be enforced by the law officers of the Crown. He had never spoken to the present Attorney General about the fulfilment by the Government of the surrender by reconveying (sic) to him the lands to which nobody questioned his right, for he was a friend of that hon. gentleman, he knew that the doing of this act of justice by him, which other governments had failed to do, would be attributed to improper motives. So these heirs had been left for 20 years in this position, that being the grantees of this large tract of land, their title to a portion of which no one could dispute, they yet could not dispose or make use of it since, as no division had taken place, the actions instituted attached their right to the whole. Weary at last of this state of things, he determined to test the legality of the proceedings by selling a portion of the lands. He effected a sale to Abercromby, and took advantage of a judgment against him to bring them to sheriff's sale. He expected an opposition on the part of the Crown, at which he could join issue, and in order that this might be done, he wrote some weeks before the time appointed for the sale advertised in the "Canada Gazette," to the Provincial Secretary, to inform the Government what he had done. As for his having charge of the Crown business at the time, neither he nor Mr. Justice Short who preceded him had charge of any but the Criminal business. This suit and other civil business had been left in Mr. Hollowell's hands. The value of these lands had been much exaggerated by the hon. member for Compton. Instead of being 6 miles from Sherbrooke the greater part of them were 18, and on a mountain, instead of the banks of the Magog--only two or three of the lots being on the river. He had taken £400 to £450 for his 4 shares in them, and should be sorry to buy them back at £500. Mr. Nagle, considering his official position was prepared generously to surrender his right in these lands, but he (Mr. Felton) set the Government at defiance. He believed he had the law on his side. He should take care that all the papers came down to the House, though he was afraid the motion of the hon. member opposite was not quite broad enough.<sup>15</sup>

MR. AT. GEN. DRUMMOND should explain that the letter referred to by this Hon. member had been sent down to the secretary about the time of his leaving for Montreal, and had not been referred to him, but sent into the Crown Lands office. He was not aware of its existence (sic) when he first saw the account of the matter in the Sherbrooke paper.<sup>16</sup>

MR. J. DORION se lève pour réclamer contre les imputations de M. Felton et dit que l'hon. M. Drummond qui comprend bien le français a déclaré que M. Dorion avait exposé les faits d'une manière impartiale.<sup>17</sup>

L'adresse est ensuite votée unanimement.<sup>18</sup>

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*Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill to amend the Registry Laws of Upper Canada.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.*

*On motion of Mr. Cooke, seconded by Mr. McCann,*

*Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a copy of the Names of the several Managers of the Lachine Canal, and of all officers connected with the management of the said Canal, with the salary paid to each, their several duties, and, in particular, who has the control of the Lockmen, who engages, and who discharges them when found incompetent or unworthy; also, for a Return of all the Fines imposed upon parties for infringing upon the Canal regulations, giving the names of the parties fined, the amount paid by each party, and the amount of Fines remitted, if any, for the years 1853-4.*

*Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.*

*Mr. Turcotte moved to resolve, seconded by Mr. Charles Daoust, and the Question being proposed, 1. That all the costs of the Administration of Justice not paid by the parties, should be borne by the State; and that every person not otherwise compensated, and whose services are required by Law for the due Administration of Justice, such as Jurors in matters of Criminal Jurisdiction, should be paid or indemnified for such services by the State out of the Public Monies: 2. That an humble Address be presented to His Excellency the Governor General, praying His Excellency to be pleased to recommend that this House should appropriate such sum or amount of the Public Monies of this Province as His Excellency may deem adequate to carry into effect the principal enunciated in the preceding Resolution with respect to the payment of Jurors in matters of Criminal Jurisdiction;*

MR. AT. GEN. DRUMMOND croit que cette motion est hors d'ordre, et il en appelle à l'Orateur.<sup>19</sup>

MR. SICOTTE the SPEAKER décide qu'elle est dans l'ordre.<sup>20</sup>

MR. TURCOTTE dit que, comme on peut le voir, il y a deux propositions distinctes dans sa motion. La première est une proposition générale qui ne demande rien du tout, mais qui exprime seulement l'opinion de la chambre, que toutes les personnes concourant à l'administration de la justice devraient être payées pour leurs services. Elle est parfaitement distincte de l'autre, et n'est certainement pas opposée à la constitution.<sup>21</sup>

MR. AT. GEN. DRUMMOND interrompt M. Turcotte pour dire qu'il s'oppose aux résolutions et les croit hors d'ordre, parce que ce serait prendre l'initiative d'une mesure d'argent, et cela n'appartient pas à la chambre, mais seulement au gouvernement. Si elle était adoptée, la conséquence serait que le gouvernement serait forcé d'introduire une mesure ou de faire une appropriation pour le paiement des jurés. Ce serait donc prendre l'initiative d'une mesure d'argent, et la chambre ne doit pas le faire. Il est opposé aux deux propositions, et l'hon. membre ne devrait pas les faire. Il demande à l'Orateur s'il les croit dans l'ordre.<sup>22</sup>

MR. SICOTTE the SPEAKER said he had ruled the other day that the resolutions of the honourable member for Maskinongé were not in order, because they asked an appropriation of the public money, which could not be done, without the consent of the Crown. They were now, however, in an unobjectionable shape, merely affirming that in the opinion of the House jurors ought to be paid, and that the



general expenses of the administration of justice ought to be borne by the state, and he therefore ruled them to be in order.<sup>23</sup>

MR. TURCOTTE reprend son discours en disant que depuis long-temps les électeurs se plaignent que toutes les personnes qui contribuent à l'administration de la justice sont payées, moins les jurés, qui méritent pourtant de l'être autant que les autres; à chaque élection le peuple demande impérieusement de les faire payer. Dans le Haut-Canada, ce sont les municipalités qui paient les jurés, mais cela est injuste, parce que les délits sont commis dans les villes, et ce sont les campagnes qui paient. Cela ne peut se faire dans le Bas-Canada, car on ne veut pas se taxer pour payer les jurés, tout en voulant qu'ils le soient. Comme on a tenté de mettre sa motion de côté en soulevant la question d'ordre, il aimerait à savoir si l'administration, qui a tant fait profession de libéralité il n'y a que quelques jours encore, acceptera cette mesure populaire et libérale. Le gouvernement ferait très mal de s'opposer à sa motion, car cela lui nuirait, et s'il le fait il en subira toutes les conséquences. Il consentira bien à remettre sa motion à quelques jours, si le gouvernement veut s'en occuper; mais il faut absolument faire quelque chose à ce sujet, car on a honte de retourner devant ses constituants, après chaque parlement, sans avoir rien fait. Il est à sa connaissance que des personnes ont été obligées de vendre leur dernière vache pour remplir les devoirs de petits jurés, et il a vu faire une souscription pour permettre à un petit juré de se rendre à la ville. Il est aussi à sa connaissance qu'une femme est morte parce qu'elle avait été laissée seule et malade par son mari, qui était allé servir comme petit juré. Il faut que les ministres se mettent dans l'idée qu'ils doivent législater pour satisfaire aux désirs du peuple.<sup>24</sup> He was aware that there was a provision in the new Municipal law of the Attorney General, to allow the mun[i]cipalities to levy a rate to pay them, but the people did not wish this, and one must legislate in accordance with the desires and even the prejudices (*sic*) of the people.<sup>25</sup> Il est opposé à la taxe directe par les municipalités pour le paiement des jurés, et les membres qui aideraient à établir cette taxe ne seraient pas réélus, excepté pourtant dans les comtés comme Montmorency, qui a toujours élu et qui élira toujours le même membre, quelque chose qu'il fasse. Il faut ménager les préjugés de la populace, si l'on veut se maintenir au pouvoir.<sup>26</sup>

MR. AT. GEN. DRUMMOND ne peut pas admettre qu'il faille ménager les préjugés de la populace ignorante en législatant, parce qu'il est du devoir des hommes publics d'éclairer le peuple, et que le législateur ne doit pas s'asservir au char des préjugés populaires. Personne ne désire plus que lui de voir payer les jurés, mais il ne s'agit pas de cela; il s'agit seulement de savoir si l'exécutif doit prendre l'initiative dans une matière aussi grave. Il désire plus que personne de voir disparaître les malheurs enfantés par le non-paiement des jurés, mais ce qu'il faut faire pour cela, c'est d'organiser un bon système de municipalité, et ensuite on pourvoiera (*sic*) au paiement des jurés en permettant une taxe municipale pour cet objet, comme dans le Haut-Canada. Tant que les habitants du Haut-Canada paieront leurs jurés eux-mêmes, il n'est pas juste que les jurés du Bas-Canada soient payés à même les fonds consolidés de la province. Avant de législater sur ce sujet, il faudrait d'abord avoir un état des dépenses que nécessitera le paiement des jurés, et comme il s'attend à recevoir des renseignements là-dessus, il prie M. Turcotte de remettre sa motion à huit jours.<sup>27</sup>

MR. TURCOTTE se rend au désir de M. Drummond<sup>28</sup>.



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*Ordered, That the further consideration of the Question be postponed until Wednesday next.*<sup>29</sup>

*Ordered, That Mr. Laberge have leave to bring in a Bill to amend the Temperance Laws.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Hartman have leave to bring in a Bill to amend the Act 14 & 15 Vic. cap. 14, intituled, "An Act to provide for the payment of Jurors in Upper Canada, by providing that a City included within a County for Judicial purposes, shall pay a fair proportion of the sum required for the payment of Jurors in such County."*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the nineteenth instant.*

*Ordered, That the Honorable Mr. Attorney General Macdonald have leave to bring in a Bill to make certain regulations relative to Jurors for the Counties of Wentworth and Halton, for the year 1855.*

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*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.*

*The House, according to Order, resumed the further consideration of the Petitions of the Deputy Returning Officers for the Parishes of Ste. Anne, St. Denis, Mont-Carmel, and Ixworth, praying that the explanations therein offered, may be favorably entertained.*

*And the House being informed that the said Deputy Returning Officers attended at the door; they were called in.*

MR. PRES. EX. COUN. MACNAB moved that four of those Deputy Returning Officers,<sup>30</sup> F. Deguise, P. Gauvreau, P.O. Dupuy et J.T. Béchard,<sup>31</sup> be discharged.-- He was now satisfied that they had been guilty of no crime, having been compelled by threats and violence to insert fictitious names. The case of the fifth, Hudon, was different, and would be taken up afterwards.<sup>32</sup>

MR. LARWILL objected to the haste with which this motion had been brought forward. Some days ago the case had been postponed till the defence of those gentlemen should be printed and distributed among the members, and he had received a copy, this instant.<sup>33</sup>

MR. J.S. MACDONALD (Glengary) said that this was a most extraordinary course that was taken by the Premier. The House had passed a unanimous resolution to bring those gentlemen to its bar, and now the gallant knight thought it sufficient to get up and say he was satisfied they were guilty of no crime and ought to be discharged. Because the gallant knight was satisfied, having learned perhaps certain circumstances in private, of which the House was ignorant, was the House to be satisfied also and dismiss those men without further question?<sup>34</sup> [He] said the evidence was reported by the Committee in this case, and it shewed that irregularities had been committed at the polls of which they had charge. They must be held responsible until they exculpated themselves, and he contended

the House was not yet in a position to judge of the validity (sic) of their excuses.<sup>35</sup> If this resolution was carried, they would be establishing a most dangerous precedent, and he had no doubt that the member for Kamouraska would immediately bring in a petition to have their expenses paid to them.<sup>36</sup>

MR. PRES. EX. COUN. MACNAB said he had looked over the Committee's Report, and the evidence, and he found that they could not prevent the violence that took place, but had reported the circumstances immediately to the Returning Officer.<sup>37</sup> The Government were pursuing the only cause which could properly be pursued under the circumstances. There was no evidence to show that the Deputy Returning Officers had acted willfully in a corrupt manner. When the Returning Officer, who was distinctly charged by a Committee of the House with improper conduct, was brought to the bar of the House, he would then be prepared to express his opinion on such conduct; but in the present instance no charge was made.<sup>38</sup> The honourable gentleman had better reserve some of his indignation for the other Deputy Returning Officer, whose case would next come up.<sup>39</sup>

MR. RANKIN considered that the course proposed by the gallant Premier was a trifling with the common sense of the House in the most barefaced manner he had ever seen attempted. (Hear, hear.) Here were a number of gentlemen brought to the bar of this House charged with a grave offence, and was it reasonable that the Premier should get up and ask the House to believe on his bare assertion, that they were innocent, and discharge them from custody?<sup>40</sup> It was a shame to have brought them up to the bar of the House, they ought to proceed with more deliberation.<sup>41</sup> He thought the evil which was laid at the door of these Deputy Returning Officers was primarily due to the defective legislation of the House. Under the law as it stood, the Returning Officers were not obliged to administer an oath to voters, unless either of the candidates or their agents demanded it.<sup>42</sup>

MR. CAMERON thought the hon. member for Glengary could not find any instance in which punishment had been inflicted on men when the committee had not reported against them by name, with the evidence against them. Therefore, if any mistake were made it would not be letting these men go, but in having brought them up there at all. He thought the hon. and gallant Knight, therefore, was taking the proper course.<sup>43</sup> Had any charge been made by the Committee, the case would have been different.<sup>44</sup>

MR. SOL. GEN. H. SMITH would not yield to any man in this respect for the privileges of the house, but in this instance he believed it had made a mistake (as other Courts sometimes did in summoning these men to answer for their conduct.) They had acted without a due consideration of the respect of the Committee.<sup>45</sup> [He] said the facts were, that it was on the very testimony of the individuals at the bar of the House that the Kamouraska election had been upset. Violence was used at the different polling places. The officers were over-powered; they were obliged to record the names of the voters. They could not control the populacy. They nevertheless protested against the proceedings<sup>46</sup> [and] said themselves that the proceedings were disgraceful and that they were ashamed of them, but surely they were not to be punished because others had acted improperly.<sup>47</sup>

MR. COM. CR. LANDS CAUCHON said the Deputy Returning Officers, as a proof of their honesty, had made special reports pointing out what parts of the poll books contained illegal votes.<sup>48</sup>

MR. DUFRESNE, as a member of the Committee, pointed out, that in its report there was not the shadow of a charge against the individuals at the bar of the House.<sup>49</sup>

MR. WILSON said the committee had reported that at the various polling places many of the names were illegally and fraudulently inscribed. Was not that a distinct charge against the parties at the bar who had so inscribed them, even though their names were not particularly mentioned. (Hear, hear.) He did not consider it a sufficient excuse that they had acted under the influence of threats of violence, when they filled whole pages with fictitious names. A man might be restrained from doing what he ought to do by threats, but no one should allow himself to be threatened into deliberately doing what is illegal for hours together.<sup>50</sup> He did not believe there was any evidence of such excessive or long continued violence as would justify the conduct of these men.<sup>51</sup> He did not think they should be discharged, without an admonition as to the impropriety of their conduct.<sup>52</sup>

MR. LARWILL said that, as a soldier would rather die than desert his post, so those gentlemen when entrusted with the discharge of a most important civil duty, should have stood to it firmly, and not been induced by any threats or even active violence to swerve from it for an instant.<sup>53</sup>

MR. MACKENZIE said it was at all events perfectly clear that the most gross outrages they had ever heard of had been committed against freedom of election in the case now before the House. And what steps he wished to know had been taken by the Attorney General? Had any of the parties guilty of those gross outrages, and who must be perfectly well known, been prosecuted? No! and he was much afraid that the present administration were not disposed to prosecute matters of that sort. (Hear, hear.)<sup>54</sup>

MR. TURCOTTE ... [parle] en faveur de la motion<sup>55</sup>.

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*The Honorable Sir Allan N. MacNab moved, seconded by the Honorable Mr. Cauchon, and the Question being put, That the Deputy Returning Officers for Ste. Anne, St. Denis, Mont-Carmel, and Ixworth, Messieurs Deguise, Gauvreau, Dupuy, and Béchard, having made their several defences, the House receives the same as sufficient, and orders that they be discharged; the House divided; and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Alleyn, Bellingham, Biggar, Blanchet, Bourassa, Brodeur, Bureau, Cameron, Casault, Cauchon, Cayley, Chabot, Chapais, Chauveau, Chisholm, Church, Clarke, Cooke, Crawford, Jean B. Daoust, Darche, Desaulniers, Dionne, Jean B.E. Dorion, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Huot, Jackson, Labelle, Lalonde, Laporte, Lemieux, Lyon, Macbeth, Sir A.N. MacNab, McCann, Marchildon, Masson, Mongenais, Angus Morrison, O'Farrell, Polette, Pouliot, Prévost, Roblin, Solicitor General Ross, Shaw, Solicitor General Smith, Somerville, Southwick, Spence, Thibaudeau, Turcotte, Valois, Whitney, and Yeilding.--(65.)*

NAYS.

*Messieurs Aikins, Brown, Fergusson, Ferrie, Flint, Frazer, Gould, Hartman, Holton, Lumsden, John S. Macdonald, Roderick McDonald, Mackenzie, Matheson, Mattice, Munro, Murney, Poulin, Scatcherd, Wilson, and Wright.--(21.)*

*So it was resolved in the Affirmative.*

Mr. Speaker then acquainted the said Deputy Returning Officers that they were discharged accordingly.

And then they withdrew.

The House having been informed that Joseph Magloire Hudon, Deputy Returning Officer for the Parish of Rivière Ouelle, attended at the door; he was called in.

Marc Aurèle Plamondon, Esquire, appeared as Counsel for Mr. Hudon, and was heard in his behalf.

And the Counsel then withdrew.

The Honorable Sir Allan N. MacNab moved, seconded by Mr. Attorney General Drummond, and the Question being proposed, That Joseph Magloire Hudon, Esquire

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the Deputy Returning Officer for the Parish of Rivière Ouelle, at the election of a Member to represent the County of Kamouraska, held on the 28th and 29th days of July 1854, has been guilty of a gross breach of duty, in suffering a large number of persons from the Parishes of St. Jean, St. Roch, and other places without the limits of the said County of Kamouraska, to vote at the said Election as usufruitiers, without their having previously taken any Oath of qualification, pursuant to the requirements of the Act 12 Vic. cap. 37;

MR. PRES. EX. COUN. MACNAB ... said he considered the case of this gentleman very different from that of the other Deputy Returning Officers who had just been discharged. This gentleman was not a mere passive, but an active instrument in the disorder which had been pointed out and condemned by the Committee. In proof of this he read several extracts from the printed evidence<sup>56</sup>. This resolution, he stated, would be followed by another.<sup>57</sup>

MR. CHAUVEAU having risen to speak to the motion,<sup>58</sup>

DR. MASSON moved that the House do now adjourn, the question under debate being placed as the first item on the order of the day for to-morrow.<sup>59</sup>

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Ordered, That the further consideration of the Question be postponed until To-morrow, and be then the first Order of the day.

Then, on motion of Mr. Masson, seconded by Mr. Turcotte,  
The House adjourned.<sup>60</sup>



APPENDIX: 7 MARCH 1855.

[NOTICE OF MOTION RE: BILL TO SECURE INDEPENDENCE OF MEMBERS OF LEGISLATIVE ASSEMBLY.]

MR. SOL. GEN. H. SMITH [gave notice that] on Thursday next [he would move for a] Bill to amend the Act for better securing the independence of the Legislative Assembly of this Province, and for other purposes.<sup>61</sup>

[NOTICE OF MOTION RE: BILL TO PROTECT PERSONS HANDLING PARLIAMENTARY PAPERS.]

MR. LYON [gave notice that he would move for a] Bill to give summary protection to persons, printing, distributing or publishing ... parliamentary papers.<sup>62</sup>

[NOTICE OF MOTION FOR A BILL: RE: LAWSUITS IN UPPER CANADA.]

MR. LYON [gave notice that he would move for a] Bill to facilitate the issue of commissions and securing the attendance of witnesses in suits pending or to be brought in the several Courts of Record of Upper Canada.<sup>63</sup>

[NOTICE OF MOTION RE: ADDRESS TO REGULATE PENSIONS OF MILITIAMEN WOUNDED IN WAR OF 1812.]

DR. T. FORTIER (Nicolet) [gave notice that he would move an] Address to His Excellency the Governor General, praying the enforcement of the Act 43, George III., chap. 1, and 56, George IV., chap. 10, regulating the pensions of wounded or infirm Militia-men in Her Majesty's service during the last war between the British Empire and the United States.<sup>64</sup>

[NOTICE OF MOTION FOR AN ADDRESS FOR CORRESPONDENCE RE: LAND ROLLS IN CERTAIN FIEFS AND SEIGNIORIES.]

MR. FOURNIER [gave notice that he would move for an] Address to His Excellency the Governor General, praying that he will be pleased to [be] laid before this House, a copy of all the correspondence which has taken place between the different departments of the Executive Government and the Seigniors, or their Agents or Notaries, or other person or persons, from the 1st of July, 1854, until the present time, with reference to the obtaining of letters patent for the completion of the different land rolls, (papier terriers), of the Fiefs and Seigniories of St. Denis, St. Roch des Aulnets, La Pocatière à la Peau, Port Joli Islet, Bonsecours Lessard and Vincelotte, in the District of Quebec, with the date and names of the Seigniors thereof, or such portion thereof as the Government may see fit to furnish.<sup>65</sup>

[NOTICE OF MOTION RE: ADDRESS FOR REPORT ON SURVEY OF RAPIDS OF ST. LAWRENCE.]

MR. CHABOT [gave notice that he would move for an] Address to His Excellency the Governor General, praying that he will be pleased to be laid before the House, a copy of the Report made by Messrs. Maillefert and Raosloff Engineers, on their survey of the Rapids of the St. Lawrence, between Lachine and Kingston; also, all plans annexed to the same, copies of instructions given to them, of the agreement or bargain between those

gentlemen and the commissioners of Public Works, of their tenders to complete the works, and of all maps, papers and correspondence relating to the said Works.<sup>66</sup>

[NOTICE OF MOTION FOR A RESOLUTION RE: MONTREAL TURNPIKE ROADS.]

DR. VALOIS [gave notice that he would move] the following Resolution to extend the Powers of the Trustees of the Montreal Turnpike Roads:--

1st. That it is expedient that the Governor in Council, by Proclamation, from time to time, on application to that effect made by the Trustees of the Montreal Turnpike Roads, may place under the control of the said Trustees, any line or lines of Road on the Island of Montreal, or on the Isle Jesus, in the County of Laval, other than those whereof by Law the said Trustees presently have or are authorized to have or acquire the control.

2nd. That it is expedient that the said Trustees, if they see fit, with the consent of the Governor of this Province, at any time, to fix, exact and levy any lower rate or rates of Toll on any such lines of Road, than are, or shall be, fixed, enacted and levied on the other roads under their control.

3rd. That it is expedient that the said Trustees be authorized and empowered, whenever it may seem to them advisable so to do, to widen any such line or lines of any Road or Roads whereof they presently have or are authorized to have or acquire the control, to a total width not exceeding sixty feet French measure, and to enter upon, take, and let as and for part of such Road, whatever land may be requisite to that end, making reasonable satisfaction to the proprietor thereof.

4th. That it is expedient that the said Trustees be authorized and empowered from time to time to establish and maintain Toll-Gates whenever they may see fit, either across any Road now being, or hereafter to be under their control, or across any Road or Roads, private or public, opening or open thereon, and to regulate the taking of Tolls thereat, or the permitting of parties who may have paid Toll at any one or more of such Gates, at any time or times during the same day, but not longer.

5th. That it is expedient that the said Trustees may be authorized to raise by Loan for the purposes above-mentioned, over and above and beyond the amounts in and by the Acts and Ordinance now in force, a further sum not exceeding thirty thousand pounds currency, and such Loan and Debentures from time to time to be issued, subject to all and every the provision of the Ordinances and Acts having reference to the Loans and Debentures thereby authorized; Provided always, that it shall be lawful for the said Trustees, if thereunto authorized by the Governor in Council, by any of such Debentures to stipulate for payment of interest to any amount, not exceeding eight per cent per annum, and provided that no money shall be advanced out of the Provincial Funds for the payment of the in[ter]est on such Debentures, and that all such Debentures shall take precedence of those heretofore issued or to be issued by the said Trustees, under the Provincial Guarantee, and of all claims on the part of the Provincial Government by reason thereof, and shall have a priority lien in respect of the interest payable on such Debentures upon all Tolls and moneys coming into the possession, or being at the disposal of the said Trustees, over

all Debentures issued or to be issued by them under the Provincial Guarantee, and over all claims of the Provincial Government for reimbursement of any moneys advanced or to be advanced to them by the Receiver General of this Province.

6th. That it is expedient that the Act to issue and the Acts 9 Vic., cap. 67, and 12 Vic., cap. ... , be held to be Public Acts.<sup>67</sup>

[POSTPONED MOTION RE: MEGANTIC ELECTION.]

MR. HOLTON produced an affidavit ... by a magistrate, to the effect that ... Smith, Esq., was unable, from sickness, to attend in his place in Parliament. He begged, therefore, to move that the attendance of Mr. Smith, on the Megantic Election Committee be dispensed with, and that the committee be allowed to proceed in his absence.<sup>68</sup>

MR. PRES. EX. COUN. MACNAB wished the motion postponed. The House had no evidence that the magistrate who certified the affidavit was really a magistrate. Notice of the motion also should have been given by the hon. member.<sup>69</sup>

MR. HOLTON was surprised that the gallant Premier should have so insulted the hon. member for Victoria, as to suppose that he could be guilty of sending in a fictitious affidavit. (Hear, hear.) Neither was it the case that he had not given due notice of the motion. He had brought forward the matter yesterday, on receiving a telegraph from Mr. Smith from Port Hope that he was unable to attend, and mentioning that a medical certificate was on its way by mail, and at the request of Government had put off the motion till to-day. That certificate had arrived last night by mail, and had been delivered to him this morning.<sup>70</sup>

MR. PRES. EX. COUN. MACNAB said there was no occasion for the hon. gentleman's indignation at his remark that the affidavit should be received with caution. He knew very well that changing one member of the committee was a very important matter, which might change entirely the face of the Election. He would be the last man to say a word, that could convey an injurious imputation on Mr. Smith, but it was right and proper that these things should be very carefully looked after.<sup>71</sup>

MR. HOLTON was as well aware as the gallant knight could be of the important duties devolving on the committee, but the imputation that he had any personal interest in this contest or that he wished to diminish the number of the committee, with the view of possibly changing their final decision, was an imputation which he dismissed with contempt, being conscious that he was incapable of being actuated by motives of that kind.<sup>72</sup>

MR. MURNEY said the committee had been forced to adjourn from day to day in the absence of Mr. Smith, ever since Parliament met. Both the parties defending and those resisting the petition were anxious to go on, but the committee were unable to do so, unless Mr. Smith was relieved from attendance.<sup>73</sup>

MR. PRES. EX. COUN. MACNAB hoped the motion would not be pressed in the absence of Mr. Rhodes, the sitting member, who would return from Montreal to-morrow.<sup>74</sup>

MR. J.S. MACDONALD (Glengarry) said he found the affidavit was written by Mr. Smith himself, whose hand-writing was known to many members of the

House. Should not that be considered a sufficient identification of the document? Did the gallant knight mean to make this another Timothy Brodeur case, by insisting on delay for the identification of a document, which was certified by a magistrate, and in the hand-writing of the hon. member himself?<sup>75</sup>

MR. AT. GEN. DRUMMOND thought that delay was necessary, to afford members an opportunity of seeing this document, as the matter was one of great importance, and it would be a pity to deprive the Committee of the well-known legal experience and Parliamentary knowledge of the hon. member for Victoria. Perhaps the hon. gentleman would be in his place to-morrow.<sup>76</sup>

MR. HOLTON said that that was hardly possible, as the telegraph from Mr. Smith, stating that he was unable to attend from sickness, was dated yesterday at Port Hope.<sup>77</sup>

After some further discussion, at the request of MR. PRES. EX. COUN. MACNAB, MR. HOLTON consented to postpone his motion till to-morrow, when Mr. Rhodes, the sitting member for Megantic, is expected to be in his place.<sup>78</sup>



FOOTNOTES: 7 MARCH 1855.

1. TORONTO DAILY LEADER, 13 March 1855.
2. Telegraph (PILOT, 9 March 1855).
3. LE PAYS, 13 March 1855. In the chart which lists the Patents to Lands granted to the heirs of William Bowman Felton, LE PAYS, 13 March 1855, reports the "Total aux enfants" equals 10862 acres. It appears there is an error in the reported figures as the total adds to 10700.
4. MORNING CHRONICLE, 9 March 1855.
5. GLOBE, 14 March 1855.
6. MORNING CHRONICLE, 9 March 1855.
7. IBID.
8. IBID.
9. GLOBE, 14 March 1855.
10. MORNING CHRONICLE, 9 March 1855.
11. TORONTO DAILY LEADER, 13 March 1855.
12. MORNING CHRONICLE, 9 March 1855.
13. MORNING CHRONICLE, 9 March 1855. GLOBE, 14 March 1855, reports Mr. Cauchon's speech in a different order than MORNING CHRONICLE, 9 March 1855, and places it after Mr. Sanborn's speech.
14. GLOBE, 14 March 1855.
15. MORNING CHRONICLE, 9 March 1855.
16. IBID.
17. LE PAYS, 13 March 1855.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. GLOBE, 14 March 1855.
24. LE PAYS, 13 March 1855.
25. MORNING CHRONICLE, 9 March 1855.
26. LE PAYS, 13 March 1855.
27. IBID.
28. IBID.
29. TORONTO DAILY LEADER, 14 March 1855, reports: "The resolutions were then withdrawn." This differs from the JOURNALS which state they were merely postponed. Had the Resolutions been withdrawn, the item would not then appear in the JOURNALS.
30. GLOBE, 14 March 1855.
31. LE PAYS, 13 March 1855. GLOBE, 14 March 1855, differs from the JOURNALS and LE PAYS, 13 March 1855, reporting the four Deputy Returning Officers at the Kamouraska Election as: "Messrs. Dupuis, Deguise, Gauvreau, and Guay". Antoine M. Guay was a Deputy Returning Officer at the Saguenay election and J.T. Béchard was one of the four discharged during this debate.
32. GLOBE, 14 March 1855.
33. GLOBE, 14 March 1855. At this same point in the debate MORNING CHRONICLE, 9 March 1855, reports a speech very similar to the Globe's version of Mr. Larwill's speech, however, the MORNING CHRONICLE attributes the comments to Mr. J.S. Macdonald. No other newspaper report is detailed enough to help determine which of the two members is most

likely to have made the comments. GLOBE, 14 March 1855, reports the greatest number of speakers, therefore, it has been used to establish the order during this debate. To illustrate the similarity between the two speeches, Mr. J.S. Macdonald's comments are reprinted here:

"Hon. J.S. McDonald thought this a strange precipitate proceeding. The printed petition, for the examination of which the consideration of the case had been postponed, had just been put into their hands and they had not had time to read it."

34. GLOBE, 14 March 1855.
35. MORNING CHRONICLE, 9 March 1855. This newspaper places Mr. J.S. MacDonald's speech after Mr. Cameron's and these comments would appear to be a reply to Mr. Cameron. However, as mentioned in footnote 33, the order of speakers set out in GLOBE, 14 March 1855, has been adhered to in editing this debate because it contains the most speakers and because there are many discrepancies in the order among the newspapers.
36. GLOBE, 14 March 1855.
37. IBID.
38. TORONTO DAILY LEADER, 14 March 1855.
39. GLOBE, 14 March 1855.
40. IBID.
41. MORNING CHRONICLE, 9 March 1855.
42. TORONTO DAILY LEADER, 14 March 1855.
43. MORNING CHRONICLE, 9 March 1855.
44. GLOBE, 14 March 1855.
45. MORNING CHRONICLE, 9 March 1855.
46. TORONTO DAILY LEADER, 14 March 1855.
47. GLOBE, 14 March 1855.
48. TORONTO DAILY LEADER, 14 March 1855.
49. IBID.
50. GLOBE, 14 March 1855.
51. MORNING CHRONICLE, 9 March 1855.
52. GLOBE, 14 March 1855.
53. IBID.
54. IBID.
55. LE PAYS, 13 March 1855.
56. MORNING CHRONICLE, 9 March 1855.
57. GLOBE, 14 March 1855.
58. IBID.
59. IBID.
60. GLOBE, 14 March 1855, reports: " ... the House adjourned at 11 P.M."
61. MONTREAL GAZETTE, 10 March 1855.
62. IBID.
63. IBID.
64. IBID.
65. IBID.
66. IBID.
67. MONTREAL GAZETTE, 10 March 1855. The ellipsis represents an illegible number.
68. GLOBE, 14 March 1855. The ellipses represent illegible words.
69. IBID.
70. IBID.

71. IBID.
72. IBID.
73. IBID.
74. IBID.
75. IBID.
76. IBID.
77. IBID.
78. IBID.

TUESDAY, 8 MARCH 1855.<sup>1</sup>

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THE Serjeant-at-Arms attending this House, informed the House, That he had taken John P. Crysler, Esquire, into his custody.

Whereupon Mr. Chisholm acquainted the House, that he was desired by Mr. Crysler to state, That he was unable to be in attendance on the day appointed for the re-assembling of the Committee for the trial of the Controverted Election for the County of Montmagny, in consequence of a serious accident having occurred to a member of his family, rendering it imperative on him to remain a few days to ascertain the extent of the injury sustained, which having ascertained he used all diligence in being in attendance on the said Committee; and the same having being verified upon Oath by Mr. Crysler;

On motion of Mr. Chisholm, seconded by Mr. Stevenson,

Ordered, That John P. Crysler, Esquire, be discharged out of custody without payment of Fees.

Mr. Speaker acquainted the House, That he had received Notice from Télesphore Fournier, Esquire, that he does not intend to proceed with his Petition complaining of an undue Election and Return for the County of Bellechasse:--And the same was read, as followeth:--

Province of Canada.

To the Honorable L.V. Sicotte, Speaker of the Legislative Assembly.

Sir,--Your (sic) are hereby notified, in conformity with "The Election Petitions Act of 1851," that the undersigned, Télesphore Fournier, does not intend to proceed with the trial of the merits of his Election Petition complaining of the Return of Octave Cyrille Fortier, Esquire, Physician, to represent the County of Bellechasse.

T. Fournier.

Quebec, 27th February, 1855.

The following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Merritt,--The Petition of E.J. Adams, Mayor, and G.J. Hamilton, Secretary, on behalf of a Public Meeting of the Inhabitants of the Town of St. Catharines; the Petition of the Municipal Council of the County of Essex; and the Petition of J. Woolverton and others, of the Township of Grimsby.

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By Mr. Macbeth,--The Petition of Levi Fowler and others, of the County of Elgin; and the Petition of the Municipal Council of the County of Elgin.

By Mr. Jackson,--The Petition of John Cochran and others.

By Mr. Gould,--The Petition of Prince Albert Division, No. 39, of the Order of the Sons of Temperance.

By Mr. Church,--The Petition of George Barber and others, District of Johnstown.

By Mr. Frazer,--The Petition of the Municipality of the Township of Wainfleet.

By Mr. Chapais,--The Petition of Jean Marie Leclerc and others, of the Parish of St. Patrice de la Rivière du Loup, County of Témiscouata; and the Petition of Augustin Morin and others, of the District of Kamouraska.

By the Honorable Mr. Young,--The Petition of the Montreal Dispensary.

By Mr. Poulin,--The Petition of the Reverend P.M. Mignault, Curé of Chambly; the Petition of the Reverend P.M. Mignault, President, and others, School



Commissioners of the Parish of Chambly; and two Petitions of the Very Reverend Edouard Joseph Crevier, V.G. and Curé of Ste. Marie de Monnoir.

By the Honorable Mr. Lemieux,--The Petition of the Reverend J.D. Deziel and others, of the Parish of Notre Dame de la Victoire, County of Dorchester.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Reverend T. Trudelle and others, Curés and Missionaries of Somerset, and other Townships; praying for the passing of an Act to oblige absentee proprietors of Lands in the said Township to have recognized Agents for the disposal of the same, &c.

Of Jean Gagné, of the Parish of St. Etienne de la Malbaie; setting forth: That in the night between the third and fourth of August last, a person whom he did not know, came to his home about two o'clock in the morning, and deposited a book stating that it was the Poll-book, from St. Fidèle, and that it was incomplete, not having the additions of a number of the voters, and requesting that he would fill in those additions and proceed to deliver the book at Les Eboulements into the hands of the Returning Officer, Charles Duberger, Esquire, who resided there, promising also a remuneration for his travelling expenses: That the Petitioner did proceed to make the additions on several pages of the said Poll-book, and that the figures at the bottom of each page on which he made the additions, were put down by him: That the Petitioner delivered the said book to Mr. Duberger, who requested him to verify the contents thereof with him, and ascertain the correctness of the additions of the votes, as well as of the certificates and of the oaths which he found annexed to the Poll-book: That the Petitioner had nothing to do with the entry of the votes in the said book, nor with the collusive alterations therein, either of the names or any other part thereof; and praying that having declared the above facts and arguments in his defence, the House will be pleased to acquit him of the charge brought against him, as being altogether unfounded.

Of the Reverend Enoch Wood and others, Ministers of the Wesleyan Methodist Church in Canada; and of J. Ferrier and others, Representatives of the Wesleyan Methodist Church in Canada; praying that the annual aid granted to the Victoria College be increased.

Of John O'Donnell and others, of Augusta, County of Grenville; of L.A. Bailey and others, of the Village of Consecon and vicinity; of Thomas Orchard and others,--of Hugh Sharon and others,--of Levi Fowler and others,--and of Andrew Crosby and others, all Members of the Canadian Prohibitory Liquor Law League; praying for the passing of a Prohibitory Liquor Law.

Of the Reverend L. Misaël Archambault, Founder and Principal of the St. Hugues Academy; praying for aid to complete the said Academy.

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Of James McDonald and others, Directors of the Mutual Insurance Company, County of Prince Edward; praying that the Laws relating to Mutual Fire Insurance Companies in Upper Canada may be amended as regards certain risks.

Of the Provisional Proprietors in the Metropolitan Gas and Water Company; praying for certain amendments to their Act of Incorporation.

Of Miss Eliza Hébert, School Teacher at St. Michel d'Yamaska; representing that in 1852 she obtained a Judgment against the School Commissioners of the said Parish, for the sum of Fifty-six pounds fourteen shillings and four pence, but in consequence of the declaration, on Oath, of Michel Fourquin, Secretary-Treasurer to the Municipality, that he had no money or effects belonging to the said Municipality in his possession, she had been unable to recover the amount of the Judgment,--that the said Municipality has ceased to exist,--that

Mr. Fourquin has in hands a sum of money belonging to the said Municipality unaccounted for; and praying that he may be compelled to render an account of the same.

Of Mrs. Josephte P. Grenier and Mrs. Luce P. Bergeron, School Teachers at St. Michel d'Yamaska; representing that the School Commissioners of the said Parish are indebted to them in the sum of Ninety-five pounds,--that the Superintendent of Education has shown indifference to their frequent application,--that Michel Fourquin, Secretary-Treasurer of the said Municipality; has in his hands a sum of money belonging to the said Municipality unaccounted for; and praying that he may be compelled to render an account of the same.

Of the Reverend G.L.E. Duhault and others, of the Townships of Wotton, Weedon, Garthby, Stratford, Winslow, and Ham; praying aid for certain Roads and a Bridge over an arm of Lake Aylmer in the said Townships.

Of Charles John Forbes, of Carillon, Gentleman; praying that the amalgamation of the Champlain and St. Lawrence and the Montreal and New York Railroads, may not be permitted to pass into Law.

Of the Municipal Council of the United Counties of Leeds and Grenville; praying that the Municipality may be relieved from the payment of Jurors and other expenses for the Administration of Justice.

Of the Reverend Joseph Scott and others, of the County of Missisquoi; praying that the Bill further to amend the Act incorporating the Montreal and Vermont Junction Railway Company, may not pass into Law, and that the 16 Vic. caps. 138 and 213, may be repealed.

Of the Municipal Council of the County of Lambton; praying that the Bill now before the House to prevent the traffic in Intoxicating Liquors may pass into Law.

Of Pierre Viger and others, of the Parish of Boucherville, County of Chambly, Censitaires; praying for certain amendments to the Seigniorial Tenure Act.

Of John McDonald and others, Proprietors of Water-power on the River Gananoque; praying that the Bill from the Legislative Council, intituled, "An Act to incorporate the Lyn Manufacturing Company," may not become Law.

Of James V. White and others; praying for a reduction of Tolls on Manufactured Timber passing through Port Burwell Harbour.

Mr. Murney, from the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, informed the House, That James Smith, Esquire, a Member and the Chairman of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee this day.

On motion of Mr. Holton, seconded by Mr. Murney,

Ordered, That James Smith, Esquire, be discharged from further attendance on the said Committee.

Mr. Laberge, from the Select Committee appointed to try and determine the

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matter of the Petition complaining of an undue Election and Return for the County of Montmagny, informed the House, That William Frederick Powell and James Ross, Esquires, Members of the Committee, were not present within one hour after the time appointed for the meeting of the said Committee this day.

The Honorable Mr. Cameron, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Twenty-first Report of the said Committee; which was read; as followeth:--

Your Committee have examined the Bill to incorporate the Canadian Order of Odd Fellows in connection with the Manchester Unity, and have agreed to seve[ral] amendments, which they beg to submit for the consideration of Your Honorable House.

With regard to the Bill to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town, Your Committee would respectfully suggest that as the details of the Bill are voluminous, and of a purely local nature, it might be more advisable to refer it to a Select Committee, who would have a better opportunity of giving the necessary attention to its provisions.

Ordered, That the Return relative to Correspondence in regard to the Clergy Reserves, presented on Tuesday last; and the Return of Clergy Reserve Monies presented yesterday, be printed for the use of the Members of this House.

Ordered, That the Return relative to complaints against Mr. Maguire, presented on Tuesday last, be printed for the use of the Members of this House.

Sur motion de MR. GILL,<sup>2</sup>

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Ordered, That the Petition of Miss Eliza Hébert, School Teacher at St. Michel d'Yamaska; and the Petition of Mrs. Josephte P. Grenier and Mrs. Luce P. Bergeron, School Teachers at St. Michel d'Yamaska, be printed for the use of the Members of this House.

Ordered, That the Bill to incorporate the Canadian Order of Odd Fellows in connection with the Manchester Unity, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Ordered, That the Petition of Messieurs J.H. Jones and Company, and others, of the Village of Vienna and of Port Burwell, Merchants and Traders; the Petition of the Municipality of the Township of Bayham; the Petition of the Municipality of the Village of Vienna; and the Petition of the Municipal Council of the County of Elgin, be printed for the use of the Members of this House.

Ordered, That the Petition of the Reverend Joseph Scott and others, of the County of Missisquoi, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

MR. HOLTON moved an address to his Excellency the Governor General, for copies of all communications from Mr. Chief Justice Bowen, relating to the claim set up by that functionary, to a higher rate of emolument than he has been in the receipt of since 1849 and of the replies of the Government thereto. He understood that Mr. Chief Justice Bowen's case had been brought before the late Government, and more recently before the present Government, and he thought it right that the claim of so distinguished a functionary who had been 40 or 50 years in the service should receive that consideration to which it was entitled. He was induced also to make the motion from the impression that prevailed that one of those delicate shelving processes of which they had heard so much recently was contemplated in the present case.<sup>3</sup>

MR. PRES. EX. COUN. MACNAB demande à M. Holton quelles sont ses vues en demandant cette correspondance.<sup>4</sup>



MR. HOLTON répond qu'il a entendu dire que le juge Bowen s'était cru, par une loi passée dans le dernier parlement, autorisé à demander un salaire plus élevé que celui qu'il recevait, et qu'en conséquence, il avait demandé une augmentation à l'ex-administration, mais qu'il n'avait pu l'obtenir. Il s'est aussi adressé à l'administration actuelle, et il paraît que dans le cours de ses communications avec cette administration, il s'est passé certaines choses assez délicates sur lesquelles il (M. Holton) voudrait être renseigné. C'est là la raison qui lui fait proposer cette adresse.<sup>5</sup>

Il s'élève une assez longue discussion à ce sujet, dans le cours de laquelle<sup>6</sup>, MR. MURNEY thought it would be well, in connection with this motion, to obtain from the Government a declaration whether it was intended to raise the late Commissioner of Public Works to the Bench. In the recent extraordinary ministerial change, two gentlemen were quietly dropped. He would like to know what their expectations were.<sup>7</sup>

MR. CAMERON said there was another matter, as to which it would be desirable to have some explanation, a matter which was now occupying the public mind from one end of the country to the other. They ought to have some explanation as to the recent charge against the hon. the Speaker of the Legislative Council<sup>8</sup> respecting the sale of certain stock of a Montreal Mining Company.<sup>9</sup> He ... of hostility to Mr. Ross, for he was a personal friend of his own, but from a desire to have his character cleared, and if the Government were not now prepared with an explanation, he would give notice of an enquiry regarding it.<sup>10</sup>

MR. AT. GEN. DRUMMOND stated that the correspondence as to Chief Justice Bowen's case would be brought down, although the Government had not yet come to a final decision.<sup>11</sup>

MR. AT. GEN. J.A. MACDONALD, in reply to Mr. Cameron, said that a statement by his hon. friend and colleague, Mr. Ross, in explanation of the charge made against him, would have been made public before now, but for the absence of the Provincial Secretary, Mr. Cartier, who was cognizant of the whole transaction. Mr. Cartier, having now returned, had certified to the correctness of the explanation. The hon. gentleman then read the Statement referred to<sup>12</sup>:--

Mr. Cartier was at Quebec, attending a meeting of the Grand Trunk Railroad Directors, which was held in my office. After the business of the board was over, and most of the members had left, Mr. Cartier asked me whether it was the intention of the government to establish a judicial district in the unorganized tract of country north of Lake Huron, and where the seat of the court was to be fixed. To this I replied, that the time was near when the decision of the government would have to be made; that I thought the Bruce Mines the proper place; that it was the centre of the most numerous population within the territory, including the inhabitants of the Island of St. Joseph, opposite to the Bruce Mines, and that it was an accessible and well protected post. I further mentioned to Mr. Cartier that I was a stockholder in the Bruce Mines to the extent of 200 consolidated shares, which I had held ever since the company first began to work the mines, and that I intended selling them as speedily as possible, in consequence of the approaching necessity for establishing the judicial district referred to, and because I considered that to avoid imputations which might be made if I continued to hold the stock, and advised the selection of the Bruce Mines as the seat of the court. Mr. Cartier replied, that it was a great pity to be obliged to sell the stock which I had held so long; that it was rapidly rising in value, and would go to at least £10 a share, in consequence of an expected sale of the company's locations on Lake Superior or of the Bruce Mines



to English capitalists; that offers to buy on time at £5 per share had been made and refused in Montreal; that Mr. Simpson, Cashier of the Montreal Bank, was one who, he had understood, had refused to sell on time at £5 a share, and that if I desired to part with my stock he could get me a purchaser on similar terms. In a day or two afterwards I received a letter from Mr. Cartier, informing me that he had a buyer ready to take my stock at £5 per share, payable by note at 4 months (with interest I think), and requesting me to forward my scrip. I replied, expressing my willingness to sell and close the transaction upon the terms mentioned in Mr. Cartier's letter, but I could not send the scrip as it was at Belleville.

Within three or four weeks I had occasion to go to Montreal, where I saw Mr. Cartier, and told him my scrip could not be found. He requested me to see Mr. Allan, whose name was then for the first time mentioned to me as the buyer of my shares.

Mr. Allan gave me his note at 4 months, and the transfer was made to him upon the terms specified in Mr. Cartier's letter to me. The stock at this time had declined a little, while at the period I had agreed to sell it was advancing. I was not informed that the Company were in any way interested in the purchase. I sold the stock at what I believed to be the market price if sold on time. I sold to avoid imputations of any kind. I sold as I supposed to an individual, and not to the Company. I sold at an actual loss to myself, and at the very time I was assured by Mr. Cartier, Mr. Murray, and others, that it was sure to advance to £9 or £10 a share. I may add that I was one of the original subscribers to the M.M. Company at the time of its amalgamation with the Canada Company; that I held the stock and paid my cash, without entering into speculations in the way of either buying or selling during its fluctuations, until I felt constrained to sell to avoid the charge of giving advice that might lead to the increase of the value of property in which I was interested as a stockholder.

Before I resigned the office of Attorney General, a friend informed me that one of the directors of the company had stated that I agreed to recommend the erection of the court buildings at the Bruce Mines, in consideration of the company buying my stock. I immediately communicated with Mr. Cartier and Mr. Allan respecting the statement which they both knew to be wholly untrue, and I informed them that I should not give any advice or make any recommendation on the subject, and no report has been as yet made, nor has any decision in the matter been come to either by the late or present government.

JNO. ROSS.

The foregoing facts are true as far as I am concerned, and I am prepared to attest to them in any way that may be required whenever it becomes necessary.

GEO. E. CARTIER.<sup>13</sup>

MR. RANKIN thought this explanation hardly satisfactory. Why was it that the hon. gentleman of (sic) so very sensitive on the point, so much more sensitive than public men had generally been, had taken a price over the market value at the time.<sup>14</sup> It was notorious that the stock was sold by Mr. Ross to the Mining Company at a higher price than its market value.... He thought the Ministry owed it to themselves to give a more full, clear and satisfactory explanation of the circumstances than they had yet afforded to the House.<sup>15</sup>

MR. PRES. EX. COUN. MACNAB did not know what more could be required. He thought the explanatory statement, full, frank, and satisfactory.<sup>16</sup>

MR. J.S. MACDONALD had been surprised at what had appeared in the Montreal papers. Why, he would ask, did Mr. Mulholland, who presided over the meeting,

request the matter should not be inquired into, and desire concealment, if all was so fair and honorable and proper. Those who brought the matter before the country should add their explanations. He thought the matter should go before what was generally known as the corruption Committee<sup>17</sup>, which had been appointed at the instance of the Solicitor General<sup>18</sup>, and evidence be taken in the matter.<sup>19</sup>

MR. HOLTON was cognisant of some of the facts, and believed the statement of the Hon. Speaker was a plain unvarnished relation of the facts,<sup>20</sup> sufficient to clear Mr. Ross from the charges which had been brought against him, and he never supposed that any public man was capable of sacrificing his honour for a paltry consideration of £100 or £150. But the House was entitled also to an explanation from another member of the administration, the hon. Provincial Secretary, who, acting as a Director of the company had initiated the transaction with the Speaker of the Legislative Council, especially as some of his colleagues had stated that the condition on which the stock was bought from the Speaker of the Legislative Council was that he should report in favour of the location of the county Town on the territory of the Mining Company.<sup>21</sup>

MR. FERRES was of opinion that the House had no right to enquire into the private affairs of a gentleman who happened to be a member of the administration, if the matters referred to took place long before he came into office. He did not think the slightest suspicion had been thrown upon Mr. Ross. At the Montreal meeting, it had been hinted that explanations should not be pressed for, not, however, for the sake of Mr. Ross, but for the sake of the company themselves.<sup>22</sup>

MR. AT. GEN. J.A. MACDONALD said that what was called the corruption committee had full power to examine every case of corruption on the part of any member of any administration since 1841 to the present time, and he had no doubt that the hon. member for Lambton would see that everything was properly enquired into.... of the Legislative Council. A statement had been made on one side by gentlemen of the highest respectability in Montreal, and a counter statement had now been made by the President of the Upper House, and it would be for the country to judge between them until the matter was fully enquired into by the committee now sitting on such charges. He had however to make one remark in regard to that committee. He hoped the Solicitor General would use his influence to get it together. He had tried over and over again to have a meeting in the former part of the session, as well as in this, but without success. He had just seen a telegraph from the chairman, Mr. Smith of Northumberland, stating that he had been unwell, and could not leave till Saturday, so that it would probably be Thursday of next week before he could be here. The session was fast passing away, and he submitted to the Solicitor General whether they should lose another week, or whether measures could not be taken to have the committee assembled immediately.<sup>23</sup>

MR. SOL. GEN. H. SMITH thought it would be well to wait till the chairman came down.<sup>24</sup>

MR. GAMBLE said he was quite satisfied with the explanation of the President of the Upper House, and he was surprised that the member for Essex should not have been satisfied with it likewise.<sup>25</sup>

MR. PROV. SEC. CARTIER then gave a narrative of the circumstances, closely corresponding with Mr. Ross's statement.<sup>26</sup> That Hon. gentlemen (*sic*) did not know that the company was buying his stock.<sup>27</sup> He explained that he had acted in

the interest of the company, and knowing the scruples entertained by Mr. Ross as to interfering on behalf of the company while a holder of their stock, at a time when there was such a loud outcry about the corruption of public men, he had found him a purchaser for the stock, leaving Mr. Ross, ignorant, however, that it was bought for the company.<sup>28</sup> He supposed he was selling it at (sic) an individual not a company, at the market rate.... He had taken care not to inform but to let him feel unfettered.<sup>29</sup>

MR. CAMERON considered the explanation by Mr. Ross perfectly satisfactory, but nothing could be of higher importance, than that the character of all our public men, whether members of the Government or in the opposition, should stand free of reproach. He hoped therefore that Mr. Ross would endeavour to bring the matter before an impartial tribunal, a court of Justice, that his statement of the circumstances might on oath be proved or disproved.<sup>30</sup> It was time some steps were taken to defend the char[a]cter of public men against the aspersions too generally, and on too slight grounds, cast upon them.<sup>31</sup>

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*On motion of Mr. Holton, seconded by Mr. Jean Baptiste Eric Dorion, Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, copies of all Correspondence between the Government and Mr. Chief Justice Bowen, having reference (sic) to the claim set up by that functionary to a higher rate of emolument than he has received since 1849.*

*Ordered, That the said Address be presented to His Excellency the Gover-*

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*nor General by such Members of this House as are of the Honorable the Executive Council of this Province.*

*On motion of Mr. Jean Baptiste Eric Dorion, seconded by Mr. Prévost, Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, a copy of the Report of an investigation made into the conduct of G.L. Marler, of Drummondville, Esquire, Magistrate, in 1853, and a statement of the expense incurred in the said investigation.*

*Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.*

*Ordered, That Mr. Pouliot have leave to bring in a Bill to alter and extend the limits of the Quebec Circuit by including therein the Parish of St. Michel de Bellechasse.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the twenty-second instant.*

*Ordered, That Mr. Somerville have leave to bring in a Bill to amend the Lower Canada School Acts.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.*

*On motion of Mr. Fournier, seconded by Mr. Octave Cyrille Fortier, Resolved, That an humble Address be presented to His Excellency the Governor General, for a copy of all the Correspondence which has taken place between the*



different Departments of the Executive Government and the Seigniors, or their Agents or Notaries, or other person or persons, from the 1st of July 1854 until the present time, with reference to the obtaining of Letters Patent for the completion of the different land rolls (papiers terriers) of the Fiefs and Seigniories of St. Denis, St. Roch des Aulnets, La Pocatière or Islet à la Peau, Port Joli, Islet St. Jean, Islet Bonsecours, Lessard, and Vincelotte, in the District of Quebec, with the date and names of the signers thereof, or such portion thereof as the Government may see fit to furnish.

*Ordered*, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of the Honorable Mr. Chabot, seconded by Mr. Alleyn,

*Resolved*, That an humble Address be presented to His Excellency the Governor General, for a copy of the Report made by Messieurs Maillefert and Raasloff, Engineers, on their Survey of the Rapids of the St. Lawrence between Lachine and Kingston; also, all Plans annexed to the same, copies of Instructions given to them, of the agreement or bargain between the Commissioners of Public Works and those gentlemen, of the Tenders of those gentlemen to complete the works either in whole or in part, and of all maps, papers, and correspondence relating to the improvement of the navigation of the said Rapids.

*Ordered*, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. SOL. GEN. H. SMITH moved for leave to introduce a Bill to amend the Act for bet[t]er securing the independence of the Legislative Assembly of this Province and for other purposes.<sup>32</sup>

MR. HOLTON expressed his regret that this Bill was not so good a one as that introduced by the same hon. gentleman when in opposition. In the former Bill there was a clause excluding from Parliament Queen's Counsel government Commissioners, and if he mistook not, Solicitor Generals. (Hear, hear.) He had hoped that when the hon. gentleman had now an opportunity of carrying out his views he would have endeavoured to effect those reforms but he had been disappointed.<sup>33</sup>

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*Ordered*, That Mr. Solicitor General Smith have leave to bring in a Bill to

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amend the Act for better securing the Independence of the Legislative Assembly of this Province, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday the sixteenth instant.

*Ordered*, That Mr. Fergusson and Mr. Foley be added to the Select Committee to which was referred the Bill to extend the Jurisdiction of the Division Courts in Upper Canada.

*Ordered*, That the Honorable Mr. Cauchon have leave to bring in a Bill to amend the Act of Incorporation of the Roman Catholic Institute for St. Roch's, Quebec.

He accordingly presented the said Bill to the House; and the same was received and read for the first time; and ordered to be read a second time on Thursday next.



*On motion of Mr. Murney, seconded by Mr. Holton,  
Ordered, That the Select Committee on the Megantic Election Petitions have  
leave to adjourn until Tuesday next.*

MR. BROWN moved for an address to His Excellency the Governor General on the subject of carrying into effect the provisions of the commutation clause of the Clergy Reserve Act of this Session. He said<sup>34</sup> in proposing this resolution for the adoption of the House, I am not desirous of renewing agitation on the Clergy Reserve question, (hear, hear), or to create excited feelings in the country. I repeat now what I have often said in this House, that no one is more sincerely desirous of seeing this vexed question forever removed from the political arena than I am; and my object in moving this resolution is to have the Reserve Bill of the gentlemen on the Treasury Benches, so carried out that it may be accepted by all parties as a finality. I wish to induce the House, if possible, to look at the matter calmly, as legislators ought to do--to look at it with the view of making such concessions to the strong feeling of the gentlemen on this side as may enable us all to unite in accepting it as a final measure. (Hear, hear.) When the Clergy Reserves' Bill was before the House<sup>35</sup>, before the adjournment,<sup>36</sup> hon. members on this side gave strenuous opposition to it. We felt we had very good grounds for inducing us to give it that opposition, setting aside many objections to minor details while men were in power who had opposed the Secularisation of the Reserves during their whole lives, we thought it a very dangerous thing to entrust the Government, the power of carrying out the settlement of so important a question according to their mere discretion. (Hear, hear.) We thought the Bill should have borne clearly upon its face the manner in which the whole question was to be finally settled--that in the shape in which it came before the House, it committed altogether too much power into the hands of the Government. (Hear, hear.) We conceived that the Bill gave too great latitude to the Government in judging who were the incumbents entitled to receive under the Act, what amounts they were severally entitled to receive, and various other important details. The Government of course thought otherwise. They very naturally thought it exceedingly convenient to have the Bill passed in such a shape, as to leave the whole settlement in their own hands--to be carried out as might afterwards be found best to suit their own purposes. (Hear, hear.) The matter having been fully debated, we on this side of the House were beaten; the Government got all that they demanded, and now they have the unlimited power of deciding all those points to which I have alluded. It may be that among the points on which difference existed between us and the Government, some of them were not of such a nature as to warrant our keeping up opposition to the carrying out of the Bill, anxiously desirous as we are of seeing the question finally and for ever settled. But apart from these details there was one ground on which we opposed the Bill, involving such important principles as to admit of no change in our opinions, and no concession in our resistance to its enforcement; and every day that has since elapsed has only strengthened us in those opinions. I refer Sir, to the Commutation Clause of the Reserves Bill. (Hear, hear.) The Bill not only gives to the Executive in its main provisions, the vast powers to which I have referred, but it gives them a large additional power; it allows the government if it shall so choose, to pay to the clergymen entitled to stipends under the Act in one sum, the full present value of the stipends secured to them should they continue in office during future years. It is very true that there is a nominal limit put upon the action of the Executive Councillors on this point. It is said that they are to decide, according to the value of the lives of the incumbents, and that the commutation is to be effected at the rate of six

per cent, but it is clear that this leaves an exceedingly wide margin for the exercise of discretion on the part of the Government. I think one could read the Bill and come honestly to the conclusion that a particular clergyman was entitled to a certain sum under it, while another might read it equally carefully, and come as conscientiously to the conclusion that the same clergyman was entitled under it to double that sum. (Hear, hear.) The Reformers of Upper Canada see clearly that such a sum may be given to the favoured churches in commutation of the stipends of their clergymen, as will secure for those churches a large fund for the permanent endowment of their clergy, and that out of this Clergy Reserve Bill which we have passed professedly to settle the question for ever, there may grow up an evil, worse, perhaps, and certainly as great as that which we have so long struggled to overthrow. (Hear, hear.) It is feared that by the high value which may be placed on the lives of existing incumbents, such sums will be handed over to the churches of England and Scotland, in commutation of the annual stipends, as will produce a perpetual annual income quite equal if not exceeding that which the present clergymen are entitled to receive during the mere limit of their incumbencies. (Hear, hear.) It is quite clear that such a result is far from desirable, and that the parties have no claim upon us for it. The country was not pledged to church bodies, but simply to individual incumbents. (Hear, hear.)<sup>37</sup> They were not bound either in equity, or by the Imperial Act, to give these advantages to those bodies, they were only bound to pay individuals their stipends.<sup>38</sup> We are all willing to protect those individuals--to pay them their stipends during their incumbencies; but we are not willing to go one step further. (Hear, hear.) We are firmly convinced that if the result of the much vaunted secularization Bill, is to build up two favored sects, more securely than ever before, the discords and heart-burnings that have existed in Upper Canada<sup>39</sup> both among Liberals and Conservatives<sup>40</sup> will be renewed and perpetuated to the injury of the Province. (Hear, hear.) There are many of us, moreover, who have always maintained that the voluntary system is the only true one, that the Government ought to foster that system in its policy and legislation; and we see that the effect of this commutation clause is in direct hostility to the voluntary system--is to make the Clergy of the Church of England, and the Church of Scotland to a great extent independent of their people. (Hear, hear.) Believing this, we are utterly opposed to commutation. While we desire that justice may be done to every individual, we shall do nothing to build up with public money, a permanent endowment for favored sects. At the time the Bill passed there was some doubt whether the Government intended to commute with individual clergymen, or with the bodies to which they belonged.<sup>41</sup> There was some doubt whether the expression "parties and bodies," applied to the Roman Catholics and Wesleyan Methodists exclusively, leaving the clergymen of the other churches to be commuted with individually or whether it applied to all the four bodies. The Government have decided that point. We had a correspondence laid on our table on Tuesday night, from which we find that the Government have decided that no commutation shall be made with individual clergymen of the Churches of England and Scotland, but that commutation shall be affected with those bodies in the aggregate.<sup>42</sup>

MR. AT. GEN. J.A. MACDONALD.--Where did the hon. gentleman get that information?<sup>43</sup>

MR. BROWN.--In the correspondence laid on the table by the Provincial Secretary--and if the clerk will send for it, I will read the document. Now we have found during the recess, and I think I may speak for almost all the members on

this side of the House, and for many on the other side--we have found during the recess, in hearing the opinions of our constituents, that the strongest hostility exists throughout the country to this part of the Bill. (Hear, hear.) There is a very wide spread feeling of alarm lest the endowment should be perpetuated, and remain in all time coming, the source of discord, as it has been in past years. We have come back from our constituencies, resolved to make one other attempt to induce all parties in this House to strike out that commutation clause, and enable all to regard the measure as a finality. There are other features of the Bill which we continue to regard as highly objectionable, but this we feel to be a matter of the most vital importance; and, if it were removed, we would have no fear of coming to an understanding on the other objections to the measure. In moving this resolution, it must be obvious, Mr. Speaker, that we have to proceed in a great measure in the dark. We cannot tell what negotiations have been going on, except from the correspondence, to which I have alluded, and if we were to judge from that, we might come to the conclusion that little or nothing has been done. I have no doubt, however, that there have been negotiations, as to which it has not been thought proper to give us information. It may be that this resolution is quite unnecessary. Perhaps the Government do not desire to commute. Perhaps the churches do not desire to commute, though report speaks very confidently that they do. We really do not know what has been done, but whether there is a probability of commutation being carried out or not, it is desirable that this address should pass. If there is really an intention to carry it out, and to build up that evil of a State--endowment of religion, which, professedly, we have been trying to overthrow, then, by passing this resolution, we will put a stop to it. If, on the other hand, this is not intended, if there is no probability of commutation, or, if the matter is still in dispute, some parties being against commutation and some in favor of it, the resolution will at least strengthen the hands of those who are opposing commutation. In the correspondence to which I have referred, there are two letters bearing on the question whether the commutation is to take place with the individual clergymen, or with the bodies to which they belong.<sup>44</sup>

MR. AT. GEN. J.A. MACDONALD said the honble. member was mistaken. The government had decided to commute with individuals, but only with consent of the churches to which they belonged<sup>45</sup>. If it took place with the individual clergyman, without the consent of his church, there would be nothing to hinder him from putting the money in his pocket and walking off, leaving his incumbency to shift for itself.<sup>46</sup>

MR. BROWN.--Exactly so? It is then the intention of the Government to commute with the bodies, as appears also from a letter of the Provincial Secretary to a clergyman who had applied to the Government for information as to their intention. The Provincial Secretary says in reply--I am commanded to inform you that "His Excellency is advised that the Government cannot entertain applications for commutation from individual ministers, unless the consent of the church to which they belong shall be first obtained." (Hear, hear.) There is another reason why we should pass this resolution. The Government have the matter in their own hands,--they hold the option of commuting or not as they see fit--and if we do not express an opinion on the commutation clause they would be able to say afterwards--if you were opposed to our commuting with the churches, why did you not express an opinion to that effect, when you had an opportunity of doing so? There is another very important reason for bringing forward this resolution. When the Bill came before the House in the first part of the session, I was cognizant of the fact that there were some members who voted for the



commutation clause, although they had far rather it had not been there (Hear, hear). They said if we do not leave in the commutation clause the Government will not pass the Bill at all and we will take the Bill with commutation rather than have no Bill at all--and when we urged them to vote for our amendment, they said they would willingly do so but for the fear that thereby they might defeat the whole Bill. But now the Bill is passed and settled. All that remains is to decide the mode of carrying it out. The Government have now the full discretion of deciding that point. They may either continue to pay their pensions to the incumbents during their lives or incumbencies, or they may adopt this system of commutation. I ask the House to advise the Executive not to proceed with commutation and to those who voted in the former part of the session for commutation lest by voting otherwise they might defeat the measure itself, I especially appeal, for they have now an opportunity of expressing their views on that point, without at all affecting the general question of secularization. (Hear, hear). I do think that this is a most fitting time for bringing forward the motion, and that all those members who represent Reform constituencies and would not like that a wealthy hierarchy should be established in the country, are now in a position to carry out their sentiments by assisting to pass this resolution. There are two objections often made to the ground we have assumed in regard to this question of commutation. There are some who say that commutation settles the whole question at once, and, that if you continue to pay the clergy their stipends during their lives, you continue the connection between church and State, and that we are inconsistent in preferring that mode. But the obvious answer to this objection is that we must make a choice of evils. We regard it as a much less evil if at the death of the present incumbents, the whole thing is swept away, than if we give to two ecclesiastical bodies large sums of money, enabling them to build up great permanent endowments. (Hear, hear). And there is another objection. It is said--the clergy will commute in spite of you; you secure to them certain annual endowments, and they will go to Insurance Companies in England and get them to buy up those annuities. I don't think it would be easy to find an Insurance Company three thousand miles off, willing to purchase annuities of this kind given under circumstances of which they knew nothing, and as to the security of which they could not be well certiorated.<sup>47</sup>

Hear, hear from the ministerial benches.<sup>48</sup>

[MR. BROWN continued:] It is quite clear that men in Europe, looking to the colonial position of Canada, and hearing those charges of revolutionary views<sup>49</sup>--the Annexation of the country to the United States--<sup>50</sup> which some of the hon. gentlemen opposite are fond of bringing against some hon. members on this side of the House, would be apt to be deterred from such a speculation, by fears of changes in the distant future which might sweep all those things away. And there were doubtless many other considerations that would naturally cross the mind of a shrewd actuary of an Insurance Company, and deter him from investing in a security of this kind. But if such an Insurance Company were found, suppose a company willing to commute those stipends; would not its doing so be a very different thing from commutation with the Government. The Government are to commute with them, not on their incumbencies, but simply with a view to the value of their lives; while if they went over to England to commute, the double risk of life and loss of incumbency would be taken into account. The sum, therefore, to be thus received, would be so small, that the attempt to commute would be soon relinquished. (Hear, hear.) The simple question then comes



to this--are we or are we not to carry out this commutation clause, and so aid in building up an evil which may be worse than that we have been attempting to overthrow, shall we establish a system contrary to every principle that has ever been professed by the Reform party? I do not mean to detain the House further, as the subject has already been sufficiently debated; and I am sure we are all prepared to vote on it with a perfect understanding of its merits. But before I close there is one point to which I desire to advert, as it has been a good deal alluded to both in the House and out of the House. It has been said that I was the first person that suggested the principle of commutation. This is an entire mistake. There was an article which appeared in the Globe while I was absent in my own county, during the late general election, which I have not read to this day. But that article did not favour commutation, and it has been quite misrepresented by those who took that view of it. At that time the question was between the settlement we wanted, securing the interests of the incumbents, and another proposition to divide the whole proceeds of the Clergy Reserves among all the various sects. The object of the article was to induce the parties interested to give up the Division Scheme, as not even the most favourable for their own interests. It in no shape sustained this commutation scheme which is now before the House.<sup>51</sup>

MR. SCATCHERD seconded the motion.<sup>52</sup>

MR. POST. GEN. SPENCE.--I congratulate the hon. member for Lambton on the great temper he has displayed in introducing this resolution after the lengthened debates we had in the early part of the session, after the feeling that was then exhibited, and the terrific denunciations of sacrifice of principle to which we then listened. I certainly did think that we should have this subject brought before us in some stronger light than it has been presented this evening. I did think there were to be some awful revelations, some tremendous developments of the treachery which had been exhibited to the cause of voluntarism and to the Liberal interests of this country. But what does it all amount ... to but a simple avowal of the individual opinion of the hon. member for Lambton that the commutation clause is not a finality, that he and a few of his friends who think and act with him and form a sort of body-guard around him thought that there was something that would have suited their views better than commutation? On the second reading of the Bill, I frankly avowed that the leading view I entertained on the subject was the desire to set at rest at once and for ever a question which had produced more bitterness of feeling than all other questions that had ever been agitated in this country. The question being of such surprising magnitude, surely those who ... bent themselves to the accomplishment of the object of settling that question, deserve some credit. And surely it cannot be said that this question was hurried over, or that the most abundant opportunity was not afforded for its discussion, and that too immediately after a General Election, which afforded a satisfactory means of testing public opinion especially in Upper Canada. Surely it cannot be said that after 40 years of agitation the public mind of Canada was taken by surprise by the manner in which this question was settled. As a test of public opinion I point to the manner in which those who had taken office in the Government on the understanding that they would settle this question were re-elected by their former constituencies.<sup>53</sup> He had gone back to his constituents and after meeting them the honorable member for Lambton and the late honorable member for South Wentworth and others in 40 different meetings, he had been returned by a still larger majority than before.<sup>54</sup> On this question alone, and even joining a Government composed of former political opponents I had the satisfaction of being

returned by a majority of 2 to 1, compared with my previous election, flat[t]tering as they had been. When the member for Lambton says that public opinion is with him, it is no egotism on my part to refer to this circumstance as an evidence of public opinion. The county I represent is one of the oldest Liberal constituencies of Upper Canada<sup>55</sup>. The first liberal press in Upper Canada was established in that county. It was there that the honorable member for Norfolk first became prominent. To be returned to Parliament, after accepting office, by such a county, was a clear and unmistakable indication of public feeling on that very question which the government, with whom he acted had "finally" settled.<sup>56</sup>

MR. FOLEY.--No! No! The commutation clause had not been heard of at that time.<sup>57</sup>

MR. POST. GEN. SPENCE.--I beg not to be interrupted. The hon. gentleman will have an opportunity of replying to my statements afterwards. I say again that the manner of settling the Clergy Reserves was a test question in that election.<sup>58</sup> His re-election showed that the people considered the act a "finality." It was not merely the doubtful term "adjustment" used by a previous government and repudiated by the hon. member for Lambton, which the present Government had used, but "finality." It was a final settlement of the question which had been desired and which the country felt it had obtained.<sup>59</sup> It was taken before the electors, and a clear and unequivocal expression of opinion was given that the best mode of settling the question should be adopted, that mode which has been adopted. The hon. member for Lambton comes down and says that the settlement has not been satisfactory, but I wish to know what proofs he has offered that it has not been satisfactory. I remember occasions when public opinion has been exasperated, and mass meetings have been held, but have we had one petition against the settlement of the Clergy Reserves question, have we heard of one indignation meeting being held, has there been any thing of that kind to show a state of antagonism between public opinion and the action of Parliament?<sup>60</sup> The greatest satisfaction had been expressed with regard to the settlement of this question, and there was a strong desire that peace should now be maintained. The opposition, doubtless, were opposed to the ministry.<sup>61</sup> Hon. gentlemen opposite should devote their attention to something else, rather than moving for the repeal of the Clergy Reserve Act. It is the desire of office that actuates these gentlemen (Oh! Oh!) Hon. gentlemen need not cry out.<sup>62</sup> If they would but reconcile themselves to their present position all would be quiet, but their desire to cross the floor and take office actuated them in a renewal of the agitation.<sup>63</sup> Supposing they do desire office, there is nothing criminal about that. They would take advantage of the slightest god-send that would enable them to change places with us if they could. (Oh! Oh!) But I call upon them for proofs of the case they try to make out that public opinion is with them. I state again that there has not been a single movement in Upper Canada for a change of the law except that proceeding from Dr. Pyper and Mr. Freeland of Toronto. I have a high respect for those gentlemen, but I know that they do not represent public opinion in Upper Canada on this question. There is energy enough in the hon. member for Lambton to have got up mass meetings all over the country, if he had had the most distant hope of obtaining a verdict from public opinion in his favour. A minister of the gospel, a friend of the hon. member for Lambton, was very industrious in holding up the member for North Oxford (Mr. Matheson) to execration in his own county because he had thought proper to vote for the final passing of the Reserve Bill. But was that

hon. gentleman sacrificed by his constituency at the dictation of a Presbyterian Minister? No! In a constituency quite as Liberal as that to which I have before alluded, what was the result? Why when he went back for re-election, he was re-elected as Councillor, as Reeve, and as Warden for the County, and had the thanks of the County given him for his course in Parliament. I have been attempted to be severely handled because I said that without commutation I would not give twopence halfpenny for the bill.<sup>64</sup> My reason for saying so was because I was satisfied that without commutation there would be no finality. Some gentlemen on the other side and a talented editor in the West, had shown themselves disposed to take away even from the present incumbents their life allowances. I do not charge this on the hon. member for Lambton, because he candidly acknowledged that public opinion recognized the right of the incumbents to their annual salaries. I consider this a most important admission on the part of the member for Lambton.<sup>65</sup>

MR. BROWN, "No! no!"<sup>66</sup> I merely gave my own opinion. But I did not say that it was either my own opinion or public opinion that those incumbents had a right to those allowances during the whole period of their incumbencies. For my own part, for the sake of a settlement, I was willing to vote those allowances, but at the same time I do not think they had any abstract right to them. The continuance of their allowances for a few years would in my opinion give them ample justice.<sup>67</sup>

[MR. POST. GEN. SPENCE:] All agreed that the clergy should have their life interest respected, and if so, a clergyman had certainly a right to dispose of such interest.<sup>68</sup>

MR. BROWN, "No! no!"<sup>69</sup>

[MR. POST. GEN. SPENCE:] The honorable member for Lambton merely concurs in the opinion that the ministers were incumbents for life and that they had therefore a right to dispose of their life incomes.<sup>70</sup> Now the question with me simply was whether we should perpetuate this condition of things to the end of the lives of the incumbents, or whether we should not adopt the principle of sevreing (*sic*) at once and for ever all connection between Church and State, and immediately obtaining finality in the settlement of the question. Would the hon. member for Lambton have kept the capital, the interest of which would have provided those allowances (*sic*),<sup>71</sup> locked up? or would he have that amount held out as a bait to greedy politicians to renew agitation?<sup>72</sup> Is that the way in which he would have settled this question? Need I recall to mind that<sup>73</sup> in 1840 the then settlement was regarded as a finality, but it had proved not to be so, and without commutation this might not be so either.<sup>74</sup> It was a delusion and this settlement also would be a delusion but for that important feature of the Bill which provides for a commutation of those Annuities. It is said that this commutation is not in accordance with the voluntary principle. I will not allow the hon. member for Lambton to exceed me in the recognition of that principle. I claim to be as thorough a Voluntary as the hon. member for Lambton<sup>75</sup> could possibly pretend to be, or the honorable member for North York, who was most anxious to be understood to be<sup>76</sup>.

Interruption by member for North York [MR. HARTMAN].<sup>77</sup>

[MR. POST. GEN. SPENCE:] I accuse the honorable member for North York of nothing but an ardent desire to be a member of the Government when it was last broken up.<sup>78</sup> The hon. member from Lambton argues the question from a Voluntary point of view. So do I, and I should like to know whether we are not more



likely to obtain a complete severance of Church and State, by the commutation scheme than by any other? The hon. member for Lambton will not acknowledge that he himself advocated the commutation scheme in the Globe of the 24th July 1854<sup>79</sup>, generally understood to be controlled by the hon. member, and to speak his sentiments, had proposed the commutation scheme as the best mode of settlement.<sup>80</sup> True it is--when it suits his purpose--the member for Lambton denies all participation in the views published in the Globe.<sup>81</sup> I know there are many things in the Globe of which he knows nothing. Perhaps he does not know that the Globe during the last general election declared that its views of finality in reference to the settlement of the Clergy Reserves were identical with the views of Sir Allan MacNab--that the views of Sir Allan and of the Globe as the exponent of public opinion in Upper Canada were identical.<sup>82</sup>

MR. BROWN.--Will the hon. gentleman show that?<sup>83</sup>

MR. POST. GEN. SPENCE.--Yes, I will gratify the honorable gentleman. The Globe on the occasion I have referred to, said, "On the day of nomination, Mr. Isaac Buchanan appeared to oppose Sir Allan MacNab. He declared that he opposed the gallant Knight, solely because he was unsound on the Reserve question. In the course of his speech in reply, Sir Allan took occasion to deny certain statements that had been made regarding a change in his opinions. He said that he trusted he knew when to bow to the voice of the country, but that he had not changed his principles. As we understand him, the position of the gallant Knight is this--he admits secularization is a necessity, and when it becomes imperative upon him, he will not resist it; but he nevertheless does not like it the better. Well, we are satisfied. Sir Allan McNab's resistance to our principle may henceforth be regarded as nil."<sup>84</sup>

MR. BROWN.--Hear, hear.<sup>85</sup>

[MR. POST. GEN. SPENCE continued:] I think ... that I have shown that the opinions of the member for Hamilton and the opinions of the member for Lambton were then identical<sup>86</sup>. He was, for his part, satisfied. Besides, there was before them the fact that the member for Lambton was not only satisfied a few months ago with the leader of the present Government, but actually recommended an adoption of a plan of commutation by which he proposed to give the Church of England £700,000.<sup>87</sup> He found that that paper had declared itself satisfied too during the last election with Sir Allan MacNab's declaration that he bowed to the decision of the country on the Clergy Reserves question, and [that paper] had supported the hon. and gallant knight against Mr. J. Buchanan, his opponent, a voluntary.<sup>88</sup> The member for Lambton had stated that one of the principal objections he had against the Clergy Reserve Act was that the country had no faith in the integrity of the intentions of the Government in carrying out the commutation clause.<sup>89</sup>

MR. BROWN.--The hon. gentleman is mistaken. I object to commutation in toto.<sup>90</sup>

MR. POST. GEN. SPENCE.--The hon. gentleman used the expression that he had no confidence in the administration carrying out this clause. (Hear, hear.) Now I have only to say, and I say it with confidence that the commutation clause will be carried out in reference to the Bill strictly in accordance with its provisions, that it will be carried out equitably and fairly, that a fair and honest interpretation will be given to the enactments of the Bill.<sup>91</sup> On the occasion when the subject was last brought on the floor of the House, it was



thoroughly discussed, and the fullest consideration was given to any proposition which would be likely to ensure a satisfactory settlement of the question.<sup>92</sup> I do not know that I am called upon to say more. I do not think I could say more, if I were to speak for an hour. If we only give these individuals in bulk, because it is with individuals we shall deal, what would be the fair equivalent of their life interest, I say there is nothing unjust in it. And to argue that that puts them in possession of a large sum of money, in place of their having doled out to them an annual allowance, is not a liberal view of the question.<sup>93</sup> Parliament was bound to provide for the life interest of the incumbents. There was no discretionary power left to the Government or the Legislature. They had to provide for the payment of those claims.<sup>94</sup> He did not think that voluntaries best promoted their views by trying to pull down the English or Scotch or other churches. They had no right to deprive the ministers of these churches of the revenues guaranteed to them by the Imperial Parliament, or prevent their reinvestment of it. It was only right to give them an opportunity of taking what was their own in one sum instead of (sic) compelling them to come year after year to government for their pittance. The honor[ab]le member opposite had said this commutation would build up the evil sought to be destroyed, but he had failed to give any proof of the assertion. Why should they interfere with the manner in which these incumbents propose to receive and dispose of their money any more than they had done by preventing its investment in land. Suppose they used it to promote the objects of the churches of England and Scotland; were they evils? He had never heard that alleged, but on the contrary they had been generally regarded as blessings to the country.<sup>95</sup> The principle of commutation was recognized in England.--There, Clergymen could dispose of their life annuities for their present value. It was done as an ordinary business transaction. Popularly, liberal the objection against the Act might be called; practically, it was both illiberal and unjust.<sup>96</sup> There is an evil in endowing these Churches out of the public funds, and that is the evil we desire to get rid of. I think then that the hon. member for Lambton's opinion that a great evil would arise from this commutation should not be considered of much importance, as he has failed to offer one solitary proof of what this great evil would be. I admit that to support these Churches from the public funds is an evil, but in this matter we are not free agents, we are limited in our legislation<sup>97</sup>. And the government, without showing any partiality to one religious body over another, merely followed a rule of the Imperial Parliament in making provisions to meet the claims of the incumbents. And they had the satisfaction of knowing that they had done so in a way which would effectually prevent the future agitation of this question.<sup>98</sup> I trust that hon. gentlemen opposite will be satisfied that public opinion is against them (Oh! Oh!) and that they will see it to be their duty to rest contented with that which they cannot alter.<sup>99</sup> He had failed to see any indication that public opinion was against the law as it stood, and he had about equal opportunities for ascertaining it with the honorable member for Lambton. He had resided in the country somewhat longer. He could not help in concluding remarking again on the changed tone of the honorable member on that measure, that absence of fierceness which so often characterized his attacks on ministers. He trusted it proceeded from a conviction of the utter hopelessness of an attempt to renew agitation on this point, and that having made this motion, which he perhaps felt bound in consistency to do, he would abandon the matter. The settlement which was in progress and which had already united many previously differing politicians would be the harbinger of happier and more peaceful times in Canada.<sup>100</sup>

MR. WILSON.--I would fain hope that in the observations I shall make, I shall not be charged with acting in any hostile spirit to the Church of England. I am free to confess that I once entertained the opinion, and as far as my reading of the original statute can guide me, I entertain the same opinion still, that those Reserves were once the property of the Church of England. But when the Judges of England determined it was not so, and when the subsequent agitation in this province shook it to its centre, I felt, and have long felt that the Church of England would better have consulted its own interests had it given up long ago all claim to those Reserves and allowed its own people to endow it with their own funds. And I have always thought, and still think that the Church of ... England will be seriously injured with the State Endowment which this Bill will give her. (Hear, hear.)<sup>101</sup> He claimed as much sincerity for this belief of his conduct based on the belief as the hon. gentlemen near him (Messrs. Cameron and Gamble) could claim for a contrary opinion.<sup>102</sup> The hon. Post-Master General stated that the settlement of 1840 was a delusion. But why was it a delusion? Was it considered a delusion when the Act was passed? Did not every one appear satisfied with it? But was the silence for years after it was passed, any indication of the satisfaction of the country with it? So, if the hon. Post-Master General thinks that the lull there has been after the passing of this Act is to be considered as an approbation of it by the country, there we disagree in toto. There was nothing said against the Act of 1840 for years, simply because the working of it was not understood. The people were tired of the agitation, and were glad to let it cease for a while. That is precisely the state of the country at present. When the hon. member for Wentworth assumes that, because the people have said nothing about it during the short time that has elapsed since the passing of the Act, and before they know the effect of the commutation clause, therefore they must be held to be satisfied with it, he draws what cannot be considered a reasonable conclusion. Looking at the history of this province, the fallacy of the conclusion he draws is plain to the experience of every one. An hon. member in the Parliament of 1840,<sup>103</sup> Captain Kearn<sup>104</sup>, celebrated for his wit, after the passing of that Act, said--"Now we have provided four coaches for the people to go to heaven in, a Church of England coach, a Roman Catholic coach, a Methodist coach, and a Presbyterian coach, and if any won't go to heaven in one or other of those coaches, they can go to the other place their own way." (Laughter.)<sup>105</sup>

An hon. member.--They might go on foot.<sup>106</sup>

MR. WILSON.--Oh No! That would be too slow a coach. What was the hon. gentleman's argument then, that people must learn to be satisfied with the law as it was. The argument used by the Post-Master General to-night was precisely the same, that gentlemen must learn to be satisfied with their position. (Hear, hear.) But is that the language of a Statesman? Are people to submit to a wrong, because that happens to be their position for the moment? (Hear, hear.) Yet that was the expression used by the hon. member for Wentworth. "Hon. gentlemen," he said, "on that side must learn to be satisfied with their position and put up with it." I for one have no desire to impugn the motives of the hon. member for Wentworth, but he said that gentlemen on this side were anxious for office, and that the desire of office actuated gentlemen on this side. Pray, do the sweets of office not actuate gentlemen on that side? Were there no longings for office, when that hon. gentleman sat on this side?<sup>107</sup>

MR. POST. GEN. SPENCE.--I have not had the honor of sitting on that side.<sup>108</sup>

MR. WILSON.--It is an honor you may soon have. (Hear, hear and laughter.) And then we will see how it will be with your longings. The first argument of the hon. member for Wentworth was that there having been no agitation against the Bill, therefore it was accepted by the country as a finality, and he instanced his own election, and some others as a proof of it. I have already alluded to the fallacy of that as an argument, and I need not go over the same ground again. I say the people of this country do not understand the effect of this commutation clause. But suppose you were to remind them there were two principles they had always contended for, and which the hon. gentleman does not deny they have always contended for, and which he says he is willing to carry out namely--"no connection between Church and State" and, "no Church endowments." If the hon. gentleman would remind Reformers of these two principles, and then tell them that this commutation clause enables the Government to endow the Church of England and the Church of Scotland with what will give those Churches for ever the same sum that the present incumbents will receive during their own lives--if he told them that that would be the effect of commutation, what would be the answer? Why, not that the Bill of 1840 was a delusion, but that the Bill of 1854 was<sup>109</sup> a mockery,<sup>110</sup> a delusion and a snare. That would be their answer. (Hear, hear.) But they do not understand that that is going to be the effect of it. You tell the people that you are going to commute with individuals, and to deal justly by them--the country are satisfied with that, but they will be dissatisfied when they know that you, this very Government, pretending to carry out the principles of the former government, have put in this very machinery of commutation to enable you to endow these two churches--for that is the plain English of it, when the very truth is told. (Hear, hear.) This is your position--we want to endow--we cannot do it directly, but we shall do it indirectly by putting in this commutation clause, and saying that we will not commute with individuals without the consent of their Church. What is the effect of this, that you do not mean to carry out the commutation with individuals, as the member for Wentworth said you did, but that you mean to carry it out with the consent of the Churches? I will put this case to the candour of the hon. and gallant knight. Suppose that instead of putting in this commutation clause, the Government had been bold enough to say--we will give the Church of England and Scotland a sum in gross, equal to that which this commutation will actually give them, perhaps £150,000 or £200,000<sup>111</sup> [OR] between £100,000 and £200,000<sup>112</sup>--had a Bill boldly enacting this, been introduced, would such a Bill have carried? would Reformers have voted for such a Bill? (Hear, hear.) But what do you do? You pass a Bill with a clause in it, enabling you while you hold seats on those Benches, to do the same thing indirectly, which you ... never could have done directly. (Hear, hear.) But what does the hon. member for Wentworth, as the Reform member of the Government, solemnly argue, or rather leads people to infer from his arguments, for he is not bold enough to say it plainly--that that is not the intention of the Government at all, but that it is their intention to carry out the Reform principles he himself holds, as far as is practicable and just, having reference to the clause in the Imperial Statute giving those incumbents their salaries during their lives, and he tells us that that is the only way at once and forever to get rid of the difficulty. I say it is not so. Do you tell me that, if you wont commute individually with any clergyman of any of these churches, but will only do it with the consent of the authorities of these churches that you have no object in view but simply to get rid of the difficulty? (Hear, hear.) Do you not know that the sum to be thus received by these churches and other bodies can be so invested as to produce a



fund at least equal to what they receive now, and to perpetuate it forever? (Hear, hear.) Will any of the gentlemen of the Treasury Benches deny that they know that it will just about amount to that, and that this is the intention of these parties seeking commutation with the consent of their churches? (Hear, hear.) And I ask how gentlemen, professing to be Reformers (sic), who have supported the Government with reference to this commutation clause, if they had known that this would be the effect of it, whether they could on their consciences have voted for it? What then do we ask now? We ask the House to stop that commutation and there is nothing to prevent our doing so, for the clause in the Statute is not compulsory. It says the Government may commute with the consent of these parties and bodies, and if the Government do not intend to endow these churches they will pause at once and stop the commutation. No one will doubt the right of the incumbents to receive their stipends as long as they live and hold their incumbencies, but the Reformers of Upper Canada, and many members of the Church of England itself, do not wish to see a State endowment perpetuated. They want to see it done away with. They want to see the church stand on its own footing, to exhibit its own resources and energies, and be forever rid of this perplexed question. (Hear, hear.) Do you tell me that if I say the Church of Scotland ministers were all willing to commute and to place the funds so obtained in the hands of a central body, and if the money is invested so as to pay those men their stipends as long as they live, and to their successors as long as they live, and so on in perpetuity--if that is done, will you tell me that the people of this Province will not be constantly grumbling, and asking what right they have to receive those endowments? Tell the people of this Province what the effect of the Commutation Clause will be, and if they are satisfied to say nothing, I for one will never utter a sentence against it in my life again. (Hear, hear.) I do it now, because I fear that the agitation will again commence. When the country sees the Commutation Clause carried out otherwise than it was thought it would be--when they find that instead of merely doing justice to the individual, it perpetuates a state endowment within the Province--the question will be again agitated as it was after the Act of 1840, which did not endow any of the Churches half so liberally as this will. But the member for Wentworth admitted that no connection between Church and State was one of the principles of the Reform party, and one of the principles which he holds as a Reformer in the present ministry. No State endowment is another of the principles which Reformers hold, and which he holds as a member of the Government. There are the two grand principles for which Reformers have all along contended, but how does the Bill carry them out. Will the hon. member for Wentworth say that no State endowment will be created by this Bill? (Hear, hear.) If the hon. member denies the right of individual recipients to commute as individuals, and says they must get the consent of their Church to do so--and if the object of commuting in this manner is to obtain a fund to be invested by the Church for the payment of these s[t]ipends for ever--will any man in his senses say that that is not a State Endowment in the broadest sense of the term? (Hear, hear.) You tell me there will be no connection between the Church and the State. Granted. There is no such connection now, because the Bill brought in about the Rectories declared that for ever there should be no such connection. When the hon. member therefore says that this Bill cuts away the connection between Church and State, he tells us that it does that which was done long before. But he won't tell us, and he cannot tell us that the object of this Bill will not be to endow those Churches, although no State Endowment is the second grand principle which he tells us Reformers



have always contended for, and which he himself sits in that Ministry to contend for. (Hear, hear.) If the machinery of that Bill enables the Government to give each person what will be converted into a permanent (sic) endowment for his Church, is not this directly endowing that Church with funds of the State. (Hear, hear.) It is a flimsy argument to say, we give it to every individual who asks for it, and then allow him to do with it what he likes. But we know all the time that he is to place it in a general fund which will constitute an endowment for his Church. And does not the Government help him to do that? If you deny it, why commute at all? Why not allow him to go to an Insurance Office as you say? If he does, let him. It will not in that case be the result of any action or manoeuvring on the part of the Government, by clauses put into the Bill for a specific purpose. (Hear, hear.) The hon. Postmaster General says the country pronounced upon this measure, during the elections. I say that this measure was never before the country during the elections. The measure, without Commutation, was before the country, and the country decided upon that. It was this Government which put in the Commutation clause, and they put it in because it was carrying out the principle for which the gallant knight had all along contended, and those who acted with him, except the hon. member for Wentworth, namely, that it is the right of the Church to be endowed with the funds of the State. Under the semblance of carrying out Reform principles, they are carrying out that diametrically opposite principle, which they could not have done directly. Would one of the Reform members of this House have dared to vote for the Bill had that been plainly stated? (Hear, hear.) And if they are satisfied that that is to be the use to be made of it, why not vote for this address? We ask them to vote for this resolution which simply declares that it is not expedient to carry out the commutation clause, because the effect of it would be permanently to endow two Churches with the funds of the State,<sup>113</sup> to the injury, as I believe of those Churches themselves, and to the dissatisfaction of the other religious bodies of the Province. It has been said that this is a useless agitation which has been got up, but I say it is a very proper agitation. Suppose we had quietly sat still on this side of the House, and allowed the Government to carry out commutation, what would they have said?<sup>114</sup> They would have said--you knew perfectly well from public notoriety--and it is a principle established on that side of the House that public notoriety is proof--you knew that it was notorious we were going to commute on these principles, and yet you never said a word. But we have taken time by the forelock, and say that we will not treat you so but will undertake to shew that you are not carrying out the principles you undertake (sic) to do when you took your seat on the Treasury Benches. It would doubtless be objected, that this motion is contrary to constitutional law, in attempting to suspend by an address of this House the provisions of an act of Parliament, which cannot, ever be repealed in the same session in which it passed. The answer is this,--the commutation is not compulsory on the part of the executive but discretionary (sic), and we seek only, to guide that discretion by this address, and so it is not contrary to constitutional law to pass it. I regret that I should have taken up the time of the House so long but I have endeavoured to put the matter in as plain a light as I possibly could and if I have failed I shall be exceedingly sorry. If I am charged with hostility to the Church of England, I can only say that the answer to that stands in another form--namely what I practice towards the Church of England. I believe sincerely that an endowment will injure the Church, and I have as much right to claim sincerity for my views in that respect, as hon. gentlemen opposite have to claim respect for their sincerity in the position for endowment which they take (Hear, hear.)<sup>115</sup>

MR. CAMERON.--The hon. member for London claims from the House credit for sincerity in speaking now in a different manner from the way in which he would have spoken formerly. I am not disposed to refuse credit for sincerity to any hon. member for anything he may express in this House. At the same time I am very much disposed to question the wisdom and the knowledge that are brought to bear on a subject of this kind, when I find a course is taken on a matter of this importance so diametrically at variance with the course which I think ought to be taken in a matter not affecting merely the particular church to which I belong or the rights of particular religionists, but a matter affecting the great constitutional question which those hon. gentlemen are always the very first to parade before the pu[b]lic, and to claim for themselves the principal benefit of it. I would like to ask the House, appealed to as it has been from the extremes of the hon. member for Lambton on one side, and the former Tory Church of England member for London on the other--I ask, are they prepared, at the bidding of these hon. gentlemen, to repeal by an address of this House an Act of Parliament which has received the sanction of the three branches of the Legislature? Or is this a new way that the hon. member for Lambton has got of disposing of the Legislative Council question, and (sic) carrying out his idea of a single Chamber? For if this view be carried it is in effect destroying the power which those incumbents have at this moment of calling on the Government to commute their life allowances--destroying it by the act of one branch of the Legislature. I call upon the hon. member for Lambton to say whether that is not the effect of it. He knows that he cannot bring in a Bill during the same session to repeal an Act passed during the early part of it, and, therefore by a round-about-way talks about the manoeuvres of the Government--I say by manoeuvres far more astute and far more cunning they endeavour by an address from one Branch of the Legislature to nullify the action of all three branches, and to tell those men who are entitled to come forward within the year and commute, that they shall not commute. The hon. member for Lambton, followed up by the hon. member for London, charged the Government with endeavouring to endow the Churches, and with requiring in this matter in fact that the churches, should be the parties who should claim the endowment instead of individuals. Now is that really the correct position to put it in? Is there anything that can be done on the part of the Government that can effect the question in reference to that point? Is there any mode in which the churches as bodies can demand of the Government to commute with them? It will not be pretended that there is (Oh! oh!) all that is required is, that, when an individual clergyman demands of the Government his commutation, it shall not be effected until he has the consent of the governing body of the church to which he belongs. And how is that commuting with the churches? Is the Government to make an enquiry as to what is to be done with the money? Has the Government anything to do with that? The Government has to see that the money shall only be paid to the individual, while he discharges the duties of his incumbency, and will not this be best provided for by getting the church to which he belongs to consent to the commutation, and to take the responsibility of seeing that the money paid to the individual shall not be put into his pocket, to be applied to some other ... use than that for which it was originally intended. It was never intended that the clergy should receive the salary and not do the duty first. The hon. member for Lambton tells us that he has no desire to renew the agitation, that it was with no such view as that, that he ... now comes before the House. No, it is almost with pain and sorrow that he has raised this question again! But we all know that though he did not come down himself for 7 or 8 days after the commencement of the session,

his notice was on the paper the very first day, so determined was he that something should be done. The hon. member for London, in following him, accounts for no mass meeting having been held, nothing have (sic) been done through the country to protest against the Act recently passed by saying that the settlement of 1840 was not attempted to be distributed for years. But does the hon. gentleman recollect so little of the history of his country as not to know that the settlement of 1840 was one to which all parties agreed. But will any one say that all parties have agreed to this one, the effect of which the member for London says the country did not understand. But how did this come about, when we had bright and shining lights like the member for Lambton, the member for Glengary, and the member for London, all proclaiming last October and November that such and such would be the effect of the Bill, and when we had besides those large newspapers broad enough to carry all the learning and wisdom of the land upon them, scattered through the length and breadth of the country disseminating the same doctrines. If the people are so ignorant, it is not because the light has not been offered them, both in the debates in Parliament, and in all the arguments that have since appeared. And depend upon it those hon. gentlemen have not been particularly quiet in their constituencies. The hon. member for Lambton had no doubt something to do with the address from Dr. Pyper and Mr. Freeland. Those gentlemen of course read the Globe.<sup>116</sup>

No, from MR. BROWN.<sup>117</sup>

[MR. CAMERON continued:] What, had not his powerful arguments in the "Globe" kindled this little flame?<sup>118</sup> And does not the House remember, how before the recess, the hon. member for Lambton said the time would come when the table would groan under petitions against the commutation clause? Does any one forget how the hon. member for Lambton said that the Government were afraid of an adjournment for a few weeks, lest the members should be tampered with by their constituencies and come down with different opinions. Now what has been the case. We have heard of dinners given on the cold water principle, and on the hot water principle, and on no principle at all, but after all we do not hear of any of those indignation meetings which were to bring down a storm of indignation on the heads of the Government.<sup>119</sup> If he had not failed--if the country had really felt dissatisfied, as he would have them believe did they suppose he would not have had the promised petitions pouring in upon them; that the hon. member would not have been presenting them by the dozen like Maine Liquor Law petitions, at which he had become so expert? Would they not have had his friends around him acting as a Committee of carriers to transport them to the table and basket?<sup>120</sup> But without providing any petitions, the hon. member for Lambton gets up and asks the House to vote an address to annul an Act of Parliament. I say that is not the way to act constitutionally on a great question like this. If the hon. member for Lambton is to be excused as not a lawyer, the hon. member for London cannot be excused, because he is a lawyer, and he must know that the position he takes of virtually killing the Legislative Council before that body is deprived of its existence in a legitimate manner, is utterly unconstitutional. Whatever excuse there may be for the member for Lambton cannot apply to the member for London. The Legislature having pronounced by large majorities on the various clauses of this Bill, I would have expected to find those gentlemen standing by me side to side and battling to the death on this great constitutional question. No cry has been raised through the country against this settlement but the hon. member for London tells us that



it will be agitated again, that the country will be roused more and more day after day, and that again we will have all the troubles and difficulties which sprung up after the settlement of 1840. But if those difficulties and troubles come up again, they come up, because those gentlemen have been the means of bringing them up. It will be to their door that it must be laid, if the cry is again raised. I would like to know what would be said in this Lower House if the Upper House were to take the same course, and in a matter in which we were determined to take a certain stand, were to address the Crown, and say, stop it. The hon. member for Lambton would be the first to get up and complain.<sup>121</sup>

MR. BROWN.--No!<sup>122</sup>

MR. CAMERON.--No! He would be willing that the effect of an Act of Parliament should be stopped in its operation by the address of one branch of the Legislature? Save me from such a doctrine of constitutional law. Where could a mischief of this kind be stopped, if an Act of Parliament could be abrogated by an address to the Crown? Did not the honourable member for Lambton say that he wished to stop the operation of this clause, until the proper time arrived that it could be repealed? (Hear, hear.) Did he not tell us his object was to get it struck out of the bill altogether? And if so, is not the effect of it to repeal directly a clause under which certain parties have acquired certain rights, with which rights they are perfectly entitled to come before the Government and demand to have satisfied, for the clause put into that bill, which the member for Lambton looks upon as merely permissive, is one which the Government would be bound to carry out, if those parties came and demanded that this commutation money should be paid to them. And, if that is the case, the effect of this resolution would be to over-rule the provisions of an Act of Parliament by a simple address from this House. Will it be said that this agitation is again to be commenced? If it is to be commenced on one side, do honourable gentlemen fancy that it will not be commenced on the other by those parties who consider themselves injured by this bill? But if they commence this agitation again, they will find that it will not be in years to come what it has been in years past. They will find that they will not have the country on their side. They will find themselves opposed both by the large body of Reformers who feel that they have got this question settled to their satisfaction, and by the large body of Conservatives who feel it has been settled to their dissatisfaction, but are willing to accept the settlement as being in accordance with the feeling of the country. I trust the members of this House will not be led away by the specious arguments of either the honourable member for Lambton or the honourable member for London. I trust there is more good sense in this House than to take the course which they invite them to. And, notwithstanding all the energy and all the sincerity which I am willing to give the member for Lambton and the member for London credit for, I venture to say they will not secure votes enough to make even a respectable show on a question in which they have neither justice, nor law, nor honour on their side.<sup>123</sup>

MR. JACKSON said he had voted for the Clergy Reserve bill which passed the Legislature, and on the present occasion he should vote against the motion of the honourable member for Lambton. He was in principle a voluntary, and he believed that the endowing of churches was inimical to their prosperity and welfare. At the same time the superiority of the voluntary principle was best seen by contrast, by being seen in operation side by side with endowed churches.<sup>124</sup> If, for instance, it was found that the effect of allowing religious communities



to maintain their religious instructor by voluntary efforts had been found to operate prejudicially on their liberality; if voluntaries were less ready to contribute towards the sustenance and propagation of the religious views which they entertained, than were those who received the sustenance of the State, then it might be possible to find fault with their system. If, on the other hand, it was found that they made as strong exertions in the cause of religion, as those who adhered to the principle of ecclesiastical establishments--that they were as liberal in their contributions, and as zealous in their duties, then it was clear that religion needed no sustenance from the State. He thought voluntaryism would bear this test. But the present was not the place to discuss the religious aspect of the case, nor to raise the question of Church organization. The House was dealing with a great political issue. On the question of Commutation as embodied in the Clergy Reserves Act of the present session, he entertained decided convictions. He believed the principle of Commutation to be a correct one. There was a view of the case worthy of the attention of those who called themselves Liberals and Voluntaries from principle. It was this: If we continue to pay annual stipends to the incumbents in accordance with the terms of the Imperial Act, we prevent a Church of England clergyman from receiving any benefit from his life interest if he shall conscientiously change his views and become a Presbyterian and vice versa.<sup>125</sup> Any such constraint he considered opposed to the principles of voluntaryism. He saw no other mode of settling the question than that which had received the sanction of the Legislature, and he had confidence in the Government that they would carry out the project honestly. The member for London said the endowment would injure the church. The member for Toronto said it would assist the church. When doctors disagreed, he did not know who should decide, and he did not think it was the province of this House to decide whether voluntaryism or the establishment principle was the better mode of church government.<sup>126</sup>

MR. FOLEY.--Were I not aware of the fact, from the history of the country in connection with this very question, that arguments founded on constitutional law cannot always be depended upon, I should be reluctant to make any remarks in reply to those of the learned member for Toronto. But when I take into consideration the fact that, in connection with this Clergy Reserve question, for full forty years that same doctrine of constitutional law has been rung from one end of the country to the other by that honorable gentleman, and others favorable to his tenets and doctrines--and that by the highest legal authorities in this country and in England, that constitutional law has been held to be no law at all; and when I take into consideration, further, that what that hon. gentleman has declared to be no law, has been held by hon. gentlemen on the other side, and by the Government themselves, to be law, then, notwithstanding my conscious feeling of inability to cope with him on equal terms, I feel that I may safely state, without being guilty of egotism or presumption, that what he has held to be constitutional law, is really no law. (Hear, hear.) The point advanced by the learned gentleman is, that this branch of the Legislature cannot, by an address to the Crown, set aside what he terms a solemn statute. But with regard to this question, what is the fact? Was it not by an address to the Crown that not only the Provincial Act, but the Imperial Act, was repealed? Was it not by an address to the Crown that this House proceeded, when it asked the repeal of the constitution itself, and of the Union Act--and that, too, without any reference to the other branch of the Legislature? and have not the Government on the table, at this moment, a bill founded on an address by this House to the Crown, for the destruction of another branch of the Legislature? I hold, then, that

it is not contrary to the constitution, and that it is not bad law, to say that this House may not constitutionally and properly apply to the Crown, praying it to stay the operation of the commutation clause of this Act. It is quite consistent, however, in the hon. member for Toronto, who has always held principles in opposition to the principles which the honorable member for Lambton desires to establish--it is quite consistent in that hon. gentleman to do his best to assist the Government to establish in an indirect way, that which they dare not attempt to establish in a direct way--the endowment, namely, of two Churches, out of the funds of the country. The Postmaster General said that the course of the Government on this particular question, had received the sanction of the country; and, in proof of that, the hon. gentleman referred to the result of the elections which took place immediately on the acceptance of office by the present Government. I hold that to be no evidence whatever of the expression of public opinion on this question. What constituencies were they which expressed their opinions on that occasion? There was the constituency of Hamilton, represented by the gallant Knight--a constituency which invariably returned that hon. gentleman, when he was stoutly opposed to the very principle he is now said to be in favor of. It was the constituency, too, of Kingston, which had always been consistent in its opposition to this principle, that endorsed the acceptance of office by the hon. Attorney-General. And it was the constituency of Frontenac, which from time immemorial has been in favor of ultra-Tory principles, both in Church and State. It was those Tory constituencies which endorsed the course taken by those gentlemen in accepting office. (Hear, hear.) But the hon. Postmaster-General referred to the endorsement, by the county of Wentworth, of his conduct on that occasion. It has already been remarked by the hon. member for London, and it is a sufficient answer, that the commutation clause was not then in the bill. The hon. gentleman charged the Globe with inconsistency in aiding Sir Allan McNab and others, against ministerialists, during the elections. The Globe opposed myself on that occasion; but I must say that I noticed no such inconsistency as the hon. Postmaster-General has sought to point out. The course taken by the Globe on that occasion was with the professed object of maintaining Reform principles; and whenever its conductors appeared to be of opinion that Reformers were untrue to their principles, then it advised the rejection of Reformers supposed to be false, even at the risk of returning others who made different professions. But the hon. Postmaster-General himself did not, for a single moment, hesitate to accept the assistance of the Globe, in obtaining his election against a ministerialist. (Hear, hear.)<sup>127</sup>

MR. POST. GEN. SPENCE.--I deny the statement that I opposed any ministerialist. I was nominated unanimously by a county convention, and not brought out either in opposition to any government or in support of any one.<sup>128</sup>

MR. FOLEY.--He opposed a ministerialist, was nominated by an anti-ministerialist convention, and accepted all the planks of their platform.<sup>129</sup>

MR. POST. GEN. SPENCE.--I did not accept any plank of any platform. None was ever propounded to me.<sup>130</sup>

MR. FOLEY.--On what principle then did the honourable gentlemen (sic) come out?<sup>131</sup>

MR. POST. GEN. SPENCE.--I came out on the principle of standing as a candidate for a county of which I had been 20 years a resident. That was the principle. (Laughter.)<sup>132</sup>

MR. FOLEY.--That certainly was a curious principle. (Continued laughter.) I wonder if it is the principle of cohesion which unites the present Government. That goes beyond the Know Nothing principle.<sup>133</sup>

MR. POST. GEN. SPENCE.--The honourable gentleman for Waterloo came out in his county on the principle that he had not lived there a day but was recommended by the honourable member for Norfolk. (Dr. Rolph.)<sup>134</sup>

MR. FOLEY.--And I still feel proud that I was considered worthy of the recommendation of that honourable gentleman who has known me so long, and felt that he recommended one who would not betray his trust, but would remain faithful to the principles of the Reform party. (Hear, hear.) The honourable gentleman has thrown out similar taunts on various occasions, but I tell him that I have resided in the country longer than he has. I have fought with men side by side the battles of the Reform party from my youth up, and I continue to this day where he found me, a hearty supporter of the principles I have always maintained. (Hear, hear.) The taunts of the honourable gentleman are as undeserved as his own conduct in throwing them out is contemptible and unworthy of him. The honourable gentleman, as a proof of public opinion, said that when he returned for re-election, his conduct in accepting office with the present Government was endorsed--but by whom? Was it by those who had formerly supported him in opposition to the ministerial candidate? No! a large portion of those by whose influence he obtained his first election came out indignantly, and protested against his conduct. It is a foul libel on the country and on the Reformers of Wentworth to say that they approved of his conduct, and though there have been no public meetings, he will find on his return that the feeling of indignation is deep and strong against him. (Hear, hear.) During the recess I have visited a large number of the localities of Western Canada, and I say it fearlessly, that I have never met, in the course of my travels, with one single Reformer of any standing, who has approved of the commutation clause--(hear, hear,)--or who did not look upon it as contrary to all the principles they ever professed. If carried out, it will be productive of more agitation which may end in scenes disastrous to the best interests of the country. I shall vote for the motion of the honourable member for Lambton, because I believe it to be right in itself, and because I believe it to be strongly demanded by a large majority of the inhabitants of the country. (Hear, hear.)<sup>135</sup>

DR. CLARKE said that had it not been for such persons as himself, he (Mr. Foley) would not have had a seat in the House.<sup>136</sup> [He] opposed the resolution, and stated that Mr. Foley had been returned for Waterloo by the aid of Conservatives, and by ministerial influence of the most corrupt character. In his own county he had not heard one man saying he was not satisfied with the present settlement of the Clergy Reserve question. Had it not been for Conservatives like himself, the question never would have been settled.<sup>137</sup> Mr. Foley would not be sustained by his constituency in the vote he gave this evening. The people did not want renewed agitation, and would refuse to be longer represented than they could help, by the man who attempted to force it upon them.<sup>138</sup>

MR. MACKENZIE rose amidst cries of question! question! The question, he said, he took to be whether they were to endow these two churches, or deal with the incumbents precisely as the English Act of Parliament required them to do, by paying them their allowances during their lives or incumbencies<sup>139</sup> provided they do not change from one church to another.<sup>140</sup> Among Catholics and Protestants, there were alike two classes, one of which desired to have the control of church property retained in the hands of the laity--the other that was



willing to give up everything to the bishops.<sup>141</sup> The principle of paying people before they preach was never heard of before. People who assume the reins of government do not take them for £7,000 a year, but to keep this country free and happy. If they have any other motives--if greed only has caused them to seek office--they are mean and unworthy of it. He had taken part in the original discussion, and voted consistently and would give a vote to-night the reasons for which he would explain. There was no necessity for persons to make this a laughing matter. The government of England has expressed itself as unwilling to interfere in our ecclesiastical affairs. In this Bill there was provision for Upper Canada, and provision for Lower Canada. If one section of the province was unwilling to commute or indifferent to commutation this act might not be carried out.<sup>142</sup> The Province of Canada, it now appeared, was going to put all their property into the hands of a clerical oligarchy. Agitation was deprecated, and he deprecated it, but the way to prevent agitation was to yield at once to public opinion. The country was opposed to the principle of commutation; the late ministry had never proposed anything of the kind, and the end of it would be to produce discontent on the part of the bodies who saw certain classes favored more than others, and that this discontent would go on increasing till it produced a dangerous agitation.<sup>143</sup> It was said there had been no petitions against it, but in making that statement, honourable gentlemen forgot that the Free Church, the Episcopal Methodists and other bodies had sent in remonstrances against commutation. (Hear, hear.)<sup>144</sup> The clergy always managed money matters badly. The effect of it was bad upon the liberties of the people. He did not war upon any man's religion. All he wanted was by the warning of the past to be careful of the future. If the Bill had stamped upon the face of it "no national church" that would have given him confidence in the Bill.<sup>145</sup> By the law of the present session, those who commuted could not lay out their commutation money in real property. But they would go to some lawyer and would try to invest it in other ways in real estate. They would be inquiring for bonds or mortgages, scrip or stocks, and would thus relinquish the things of Heaven for this world's goods. Here the hon. gentleman read an extract from the Catholic Review, saying that if the Pope commanded the citizens of the United States to abolish the constitution, they would be bound in conscience to obey him. That is a queer doctrine, but it was the effect of state churches.<sup>146</sup>

MR. SICOTTE the SPEAKER called the hon. member to order.<sup>147</sup>

MR. MACKENZIE continued.<sup>148</sup> He alluded to the Rensselaer difficulties and to the ill-feeling on account of the endowment of Trinity Church, New York, previous to the Revolution. It was wrong to put the interests of the clergy and people in the hands of one individual, and that individual a bishop.<sup>149</sup> The reaction against such things as that led to the Know Nothing movement, to which he was opposed, but which he thought naturally followed the conviction in the minds of the people that they had no other means to obtain justice against spiritual domination. The evils of clerical dabbling in pecuniary affairs was not new; it was as old as the time of Jesus Christ.<sup>150</sup> The whole history of the world shewed that it was a dangerous thing to give temporal power to priests. Our Saviour chose twelve apostles, and one of them was a devil. But which of them was the devil? Judas--the man who got the commutation money. (Hear, hear, and laughter.)<sup>151</sup>

No other gentleman taking the floor,

MR. BROWN rose to reply. He said--The remarks I have to offer will be very few, for on looking over my notes of what has fallen from hon. gentlemen who



have spoken on the other side, I find there are but two points which really deserve notice. The first point I shall refer to is that which was made by my honorable and learned friend, the member for Toronto, and it really did appear a very extraordinary argument to come from that honorable gentleman. What was his position? Did he say that what was averted on this side of the House was incorrect? Has he or any other honorable gentleman denied that it is the intention of the Government to give a permanent endowment to the two favoured churches? No one has dared to deny it. (Hear, hear.) But what says the honorable member? He says, if you carry this resolution, you are attempting by an address from one branch of the Legislature to repeal an act passed by all three branches, and that such an attempt is in violation of the constitutional law of the country. It is true, as the honorable gentleman said, that I am not learned in the law, but I profess to understand a simple common sense proposition. The honorable gentleman says that we want to repeal an act of Parliament? Is that true? It is not. If an act of Parliament had passed the three branches, commanding the Governor General to do so and so, and if we then passed an address, saying to his Excellency, don't do it, the learned gentleman's argument might apply. But we have passed an Act, saying that the Governor General may do one of two things --and now we propose to send an address, suggesting that he should adopt one of these two courses, in the exercise of that discretion given him by the three branches of the Legislature. (Hear, hear.) I really must say that I cannot understand such an argument, coming from a gentleman who sneers at others for their want of knowledge of constitutional law. My honorable and learned friend asks what would be thought of the Upper House if it were to address the Executive on a point like this. I do not see how we could object, if it did; I apprehend the Upper House has a perfect right to address the Governor General, respectfully suggesting advice in regard to the administration of public business. It might be unconstitutional if either the Upper or Lower House should address the Governor General, and say--do not take either course. But it is clearly within our province to request his Excellency, by address, to take one of the two courses that are equally open to him. In a matter of this sort, by whom should the Executive be directed, if not by the representatives of the people? During the recess we have heard this question discussed amongst our constituents--we are in a position to lay before the Governor General what is their opinion--and it is right and fitting that we should do it. (Hear, hear.) The other point attempted to be made in this debate is this: It has been assumed by the honorable Postmaster General, and other speakers, that popular opinion is in favour of the Reserve Bill in its present shape, because there has been no agitation in Upper Canada--because no petitions have come in to the House on the subject. A very obvious reason might have suggested itself to the honorable gentleman, why there has been no such agitation during the recess. I can readily understand how the anti-state churchmen of Upper Canada--thoroughly believing that this commutation scheme was a deliberate plot laid by the Government with the leaders of the two churches to obtain for them a permanent endowment from the public chest, against the wishes of the people--hesitated to raise an agitation, which might have hurried on the settlement ere Parliament assembled. (Hear, hear.) I can readily understand that they looked to the present session for a successful reconsideration of the commutation clause, and refrained carefully from agitation. But if the Government carry out their threat and endow the churches with a perpetual income from the public purse, I can tell the honorable Postmaster General that just as surely as they do this, will he find a year hence, should he be here, such an expression of public

indignation as has not been heard for many a day. (Cheers.) The honorable member for Wentworth asks us to look at his election, and to see in it an indication of public opinion in favour of commutation. I was astonished to hear the honorable gentleman make such a statement. At the time the honorable gentleman went up to his constituency, the Clergy Reserve Bill had not been laid before the country. No one knew what would be its character. We had only strong suspicions on the subject, but had the honorable gentleman told his constituents that he intended to bring in a bill to endow those churches with the amount they are actually to receive, I say that in the spite of the influence of Toryism and Hincksism in his favour, he would never have had a seat in this House. (Hear, hear.)<sup>152</sup>

MR. POST. GEN. SPENCE.--Did you not tell the electors that this would be the bill?<sup>153</sup>

MR. BROWN.--Yes! I warned the electors that there would be a bill of this character, and I called upon the honorable gentleman to disavow it. But the honorable gentleman rose and said he was in favour of the secularisation of the Clergy Reserves, but he had not yet met his colleagues, and could not tell what the details of the bill would be; and the result was, the people of Wentworth persuaded themselves that a gentleman who, for twenty years (as he tells us), had advocated Reform principles, would not desert them for a paltry office, and sent him here to misrepresent them. (Hear, hear.) Is it not a fact that the course which has been pursued by the honorable gentleman,--especially on this question of commutation,--has already alienated from him many of his oldest friends and supporters? and is it not a fact that those former friends of his have established a newspaper, which is coming out at this moment, with the special view of showing up that honorable gentleman's tergiversation in its true light? (Hear, hear.) The honorable Postmaster General, with that audacity which belongs to him, pointed to the hon. member for one of the ridings of Oxford (Mr. Mathieson), and said--there is an instance of the state of public opinion in Upper Canada--that gentleman was attacked by a<sup>154</sup> Presbyterian minister<sup>155</sup> in the West, on account of his having voted for commutation; a great agitation was got up--and yet he was successively elected Township Councillor, Reeve, and Warden! Now, Mr. Speaker, what are the facts of the case? Precisely the contrary of what the hon. Postmaster General states. The clergyman in question charged the hon. member for Oxford with having voted for commutation; my hon. friend replied that he had always voted against commutation, and upon that explanation he obtained the honors which have been displayed to us (loud cries of hear, hear), and yet the hon. Postmaster General took the hon. member's election as Warden as a proof that public opinion was in favor of commutation, the fact being that his conduct was approved of by his constituents because he had always voted against it. (Hear, hear.) But the hon. Postmaster General might have found another proof against himself in the very next county. The hon. member for Middlesex (Mr. Niles) went back to his constituents, after having voted in favour of commutation. He went to his own township for re-election, and was defeated by a man who a year before would not have had the slightest chance in opposing him. (Hear, hear.) And I am cognizant of the fact that, but for the expectation that they would assist in carrying some such resolution as this to prevent the evils flowing from the commutation clause, addresses would have been presented to several members of this House, calling on them to resign? I can tell hon. gentlemen opposite that, if there has been no agitation, it has not been because no agitation could have been raised. For my own part I always felt convinced that when we came down here, and when the Reform members, who are a

majority in this house, came to consider whether they would deliberately give a vote to establish an endowment for two churches in Upper Canada, they would be induced to stop the proceeding, and save the country from so great an evil. (Hear, hear.) That has been my own feeling, and since I went to the Upper Province I stated that opinion to every one who spoke about getting up an agitation. Perhaps I erred in this, but such was my feeling; had it been thought necessary, I have no doubt that that table would have groaned with petitions on the subject. And are there not other evidences of public opinion on our side really wanting? Have hon. gentlemen not heard of the meeting that was got up in honour of the hon. member for North York, (Mr. Hartman,) at which Reformers of all sections united in doing honour to his firm position on this very question? There was the dinner also to the hon. member for Waterloo, (Mr. Foley,) who returned to his county to receive the highest compliments for the stand he had taken in this matter. Where I ask have hon. gentlemen opposite received any such proofs as we have had of the state of public feeling in Upper Canada? (Hear, hear.) I think I might defy any hon. gentlemen on the opposite side, representing a Reform constituency of Upper Canada, always excepting the Postmaster General, to get up and declare from his own knowledge that his Reform constituents are perfectly satisfied with commutation.<sup>156</sup>

MR. ROBLIN indicated that he could say that much for his reform constituents of Lennox and Addington.<sup>157</sup>

MR. BROWN.--One honorable gentleman, representing one of the Eastern counties, and who has always given a staunch support to the Government, says that he can. Well, that is one; but I had special reference to the western part of Canada. Near Kingston, the state of feeling may be different. But I can speak confidently of the country from Cobourg westward. Having access to the knowledge of public opinion in those counties, and meeting with people of all descriptions, I can perfectly endorse everything that fell from the honorable member for Waterloo (Mr. Foley) when he said that he had not met with one old Reformer who preferred commutation. (Hear, hear.) There may be honorable gentlemen on that side of the house, who may possibly vote for commutation, because they think it is right, but even they must admit that their constituents are much opposed to it. (Hear, hear.) When public opinion in Upper Canada, therefore, is appealed to, I claim that it is altogether on our side, and the manner in which the vote to be given to-night will be received in Upper Canada, will show whether or not I am correct. With these remarks I leave the matter in the hands of the house, trusting that Reform members will act up to the responsibility now resting upon them. (Hear, hear.) Let them consider who are the gentlemen sitting on the treasury benches. Let them look at the honorable member for Montmorency, who has gone into the Government during the recess carrying with him all his ultramontane views. We have heard from the Postmaster General that the administration intend to carry out voluntary principles. Does the honorable member for Montmorency avow voluntary principles? Not he! (Hear, hear.) Does the honorable Commissioner of Public Works avow voluntary principles? Certainly not. Is there any hope that there can be a settlement of the Clergy Reserve question proceeding from the present administration which would be satisfactory to the Reformers of Upper Canada? (Hear, hear.) And will Reform members in this house, now that they have an opportunity, perhaps for the last time, of preventing a great wrong being perpetrated--will they take upon themselves the responsibility of rejecting this motion, and saying with the Government that they desire this endowment to be established in perpetuity? If they do, I am perfectly certain that Upper Canada will not sustain them in it. (Cheers.)<sup>158</sup>



MR. INSP. GEN. CAYLEY.--The honorable member for Lambton, unable to prove what he has advanced, contents himself with repeating the assertion that the Government intend to endow those churches<sup>159</sup> and not ... the incumbents individually. The statement was totally incorrect; and when its incorrectness was pointed out by the Attorney General, the member for Lambton had refused to retract it. That hon. gentleman had assured the House that he deprecated the agitation of this question--that he was unwilling to see the peace of the Province disturbed; and in short that he wished the question of the Reserves to be for ever closed. But what was the course pursued by that gentleman and his friends? It was this; They had come down to this House to assert the principle that the minority shall rule the majority--that although both branches of the Legislature had during the present session of Parliament decided that the Clergy Reserves question should be settled by a commutation of the claims of the incumbents, and although the Gov. Gen. had assented to that mode of settlement--yet that this House at the instance of a minority should upset that decision. You appeal to the Crown to suspend the operation of the act.<sup>160</sup> That is the course recommended by the honorable member, and lest there may be some who may have been misled by his assertions, that we are prepared to commute with bodies and not with individuals, I will take the opportunity of reading some questions<sup>161</sup> of a body of Church of England Clergymen in Montreal<sup>162</sup>, addressed to the Government in the early part of the year, and my replies to them. The first question was, "Can the clergy of the Church of England commute as individuals?" My reply was--"Yes; with the consent of the religious bodies to which they belong." (Hear, hear.) The second question was--"Can they commute as a body? My reply was--"Commutation can only be individually effected with consent as above."<sup>163</sup>

MR. BROWN.--It is the same thing.<sup>164</sup>

MR. INSP. GEN. CAYLEY.--It is not the same thing. He says we are going to commute with bodies. No! we commute with individuals and not with bodies. The point was fully discussed, and the honorable gentleman will recollect that the words "parties or bodies," were altered to "parties and bodies," that there might be no mistake in the matter, but that it might be plain that the commutation would be effected with the individual with the consent of the body.<sup>165</sup>

MR. BROWN.--Supposing the body refuses to allow them to commute, what then?<sup>166</sup>

MR. INSP. GEN. CAYLEY.--Then there is no commutation. Then the evil he fears would be avoided, and the result he seeks would be brought about.<sup>167</sup>

MR. BROWN.--Is it not the fact that an agreement has been going round among the clergymen for signature, arranging that the whole commutation money shall go into one general fund to be managed and invested by a central body? (Hear, hear.)<sup>168</sup>

MR. AT. GEN. J.A. MACDONALD, and other gentlemen on the Ministerial Benches, begged that the Inspector General might not be interrupted in his speech.<sup>169</sup>

MR. INSP. GEN. CAYLEY proceeded. The third question was--"In either case how is commutation to be effected?" The answer is--"The rate of commutation will be determined by age or individual expectation of life, according to regular tables." There is thus no plotting, no intriguing, no contriving. The hon. gentleman then read the fourth question put to him.--"If commutation can be effected in both ways, would there be any difference in amount between commuting as individuals and as a body?" He forgot, however, to give his answer to



the question, and proceeded instead to repeat the charge previously made by one of his colleagues, that the Globe itself had at one period advocated commutation<sup>170</sup>. As to the condemnation of the commutation scheme by the Reformers in Canada West, he believed if they condemned commutation at all, it was that scheme of commutation which was proposed some time ago<sup>171</sup>, July 18, 1854<sup>172</sup>, in the Globe which he would read.<sup>173</sup>

"We do not think it improper to take the average remaining life of the present incumbents of twenty years, and we have, in consequence, a sum of £300,000, which the Church of England will receive in that space of time, over and above the income which the Division scheme would give her. If that amount were funded during twenty years the result would be a fund much more than the amount of that which would be acquired under the division scheme. We ask Churchmen to examine our figures closely; and we are sure that when they do so, we will not hear a single word again of that new plan for the settlement of the Reserve question, which now seems so popular. If the Church of England would benefit by taking the allowance to present incumbents, rather than their share with all the sects, much more reason has the Church of Scotland to prefer that mode of settlement. Her entire population is only 57,542; and her share of the Reserve Fund would be only £35,000, or thereabouts. In 1853, she actually received £11,949. We think her members had better take their "present incumbents" share and be thankful. If her ministers understand their own interest, they will give no help at this election to prevent the success of the secularizing scheme. Her share would only produce some £2,000 a-year--or, to each of her seventy-six ministers, some £26 a-year--against a present income of £11,949 or about £160 a-year each. We are altogether surprised, when we see the results of these calculations, that the members of the Churches of England and Scotland should advocate the Division scheme. The truth appears to be, that hopeless of preserving the present settlement they have blindly sought for some other plan, by which they might receive a portion of the funds. They have chosen one, apparently without examination, which will put them in no better, but rather, a worse position than that proposed by their opponents."

From the Globe, July 22, 1854.

"We calculate the average duration of the lives of the present incumbents at 20 years--not too high an estimate. If they continue to receive, for twenty years, what was paid to them in 1853, they would draw from the fund £17,000! But to show the difference more clearly, we deduct £11,230, the income of the churches under the division scheme, from that which the incumbents would enjoy under the other for 20 years, and we find the annual surplus to be £25,000. Now we presume that the clergymen of the two churches, when they escape, as we have no doubt they will, from this dreadful division scheme will be content to use for the twenty years, the income which they would have derived from it, if it had been forced upon them. If they do so, they will be able to lay up £25,000 per annum. What do the Clergy think this fund would amount to at the end of 20 years, if invested every year as instalments came in, at six per cent? Why, to nearly a million of money!! What a prospect is that for the two favored churches, absolutely offered by the secularizing voluntaries, five times the amount demanded for them by their own friends! Exactly the same income for twenty years as under the division scheme, and at the end of that time, a fund thrice as large. We recommend the churchmen to make haste, and accept the secularization scheme as now offered, or the voluntaries will be disposed to withdraw so large a concession."<sup>174</sup> He had no doubt that every reformer who thought that commutation ... scheme would be carried out was prepared to condemn it. His own opinion was that the objection of the hon. member for Lambton was not to the

scheme; but to the persons employed to carry it out; for had that hon. gentleman had himself to carry it out, he would doubtless have approved as much as he now condemned it. The hon. member said that the law would give an opportunity not only for present incumbents to get as large incomes as at present; but also to establish a large fund hereafter. He denied that. All the unsold lands and money which formerly belonged to the clergy would be now divided among the municipalities.<sup>175</sup> At the present moment, continued Mr. Cayley, there remained £500,000 uncollected of amounts due on sales of the Reserves. The lands yet unsold were about 1,000,000 acres, and the assumed balance on hand after commutation had taken place, should be about £150,000. All this would go to the Municipalities, instead of to the churches of England and Scotland.<sup>176</sup>

MR. RANKIN said that when the bill was formerly under discussion, he had voted against commutation, and no one had spoken more strongly against it than he had done. But in speaking of the matter to well known Reformers throughout the country, although he had in almost every instance found that they coincided with him in his view that commutation was an evil, there was not that warmth of feeling on the subject which he had expected, and he should therefore vote against the resolution, [while] at the same time he wished it to be unequivocally understood that he was as much opposed to the bill as ever he was.<sup>177</sup>

MR. AIKINS said the course he had taken in reference to this bill placed him in a somewhat different position from that of some other of his friends. As a voluntary in principle, he was desirous that the bill should be made as perfect as possible in all its features, and he had therefore voted for every amendment that he supposed would make an improvement in the bill. Those amendments having been voted down, the question with him on the third reading of the bill came to be, whether as a whole it was so objectionable as to warrant his voting against it. He did not think it was, although there were several parts of it which he did not view favorably, and he accordingly voted for a third reading. He intended, however, to support the resolution now before the chair, providing that the commutation clause should not be carried out in such a way as permanently to endow the churches. Some hon. gentleman had stated that the churches had no power in the matter. He asserted that the churches had all the power, for no individuals could commute without their consent. (Hear, hear.) It had been asserted also during the debate by some gentleman professing to hold the voluntary principle, that the Reformers of Western Canada were perfectly satisfied with this bill. His experience taught him the very reverse of this. Representing one of the largest constituencies in Western Canada, he could most unhesitatingly say that he never had heard one Liberal or Reformer say that this was the bill he desired, (hear, hear,) and it was mainly on account of this commutation clause that they objected to it, believing that if the government commuted at six per cent, while money was worth more, a fund could easily be accumulated by which the state endowment of those churches would be perpetuated. (Hear, hear.)<sup>178</sup>

DR. SOUTHWICK would not vote for the address as it would again unsettle the settlement that had been made. For his own part he believed the people in favor of the bill as it had passed. At any rate he had received a vote of thanks from his constituents for his vote on the Clergy Reserves and Reciprocity Bills.<sup>179</sup>

MR. ROBLIN.--The member for Lambton could hardly have supposed that in the face of the large vote by which the Clergy Reserve Act had been carried so very recently the members of this House were going to stultify themselves by a vote for such an address as that desired by him.<sup>180</sup> He for one should vote against the resolution, being perfectly satisfied with the bill as it is. Those who

sent him there were also satisfied with it, his old township having returned him unanimously as a Councillor, and he was also elected Warden by a majority.<sup>181</sup>

MR. FLINT asked if the election of a man as a township councillor was to be considered as sanctioning his course on this bill. (Hear, hear.)<sup>182</sup> That was a tribute to the hon. gentleman's business talents, not to his politics.<sup>183</sup> If the hon. gentleman who last spoke would resign his seat in this House, and go back to his constituents for re-election, he would discover what their opinions were in regard to his parliamentary course. (Hear, hear.) That would test public opinion. As regarded his own county, he knew that Reformers there were to a man opposed to the commutation clause. (Hear, hear.)<sup>184</sup>

MR. MACBETH.--The member for Lambton had frequently threatened honorable members with the vengeance of their constituents. He would just remark that if the hon. member for Lambton desired re-election at the present moment he had not the ghost, not the shadow of a chance.<sup>185</sup>

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*Mr. Brown moved to resolve, seconded by Mr. Scatcherd, and the Question being put, That in the third Section of the Statute passed in the present Session of the Provincial Parliament for the adjustment of the Clergy Reserves, it was provided, that "the Governor in Council may, whenever he may deem it expedient, with the consent of the parties and bodies severally interested, commute with the said parties such annual stipend or allowance for the value thereof;" That in the opinion of this House, it is not expedient that any commutation of the stipends secured under the said Act, should be made; and that an humble Address be presented to the Governor General, praying His Excellency not to exercise his discretionary power of commutation, but that the parties entitled to receive stipends under the said Act, may continue to receive the same annually during their incumbencies; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Aikins, Bell, Biggar, Bourassa, Brown, Bureau, Church, Charles Daoust, Darche, Delong, DeWitt, Jean B.E. Dorion, Dufresne, Fergusson, Ferrie, Flint, Foley, Frazer, Gould, Hartman, Holton, Huot, Jobin, Laberge, Lumsden, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Matheson, Mattice, Merritt, Munro, Papin, Prévost, Rolph, Sanborn, Scatcherd, Valois, Wilson, Wright, and Young.--(42.)*

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NAYS.

*Messieurs Alleyn, Bellingham, Brodeur, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chauveau, Chisholm, Clarke, Cooke, Cook, Crawford, Crysler, Jean B. Daoust, Desaulniers, Dionne, Attorney General Drummond, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Jackson, Labelle, Larwill, LeBoutillier, Lemieux, Lyon, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Masson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Murney, O'Farrell, Patrick, Polette, Poulin, Rankin, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Somerville, Southwick, Spence, Stevenson, Thibaudeau, Turcotte, Whitney, and Yeilding.--(63.)*

*So it passed in the Negative.<sup>186</sup>*

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*Then, on motion of Mr. Solicitor General Smith, seconded by Mr. Masson, The House adjourned.*



APPENDIX: 8 MARCH 1855.

[QUESTION AND ANSWER: RE: SEIGNIORIAL TENURE BILL.]

MR. DUFRESNE enquired of the Ministry, whether they intended during the present session of the Legislature to bring in any amendments to the Seigniorial Bill, and, if so, what amendments.<sup>187</sup>

MR. AT. GEN. DRUMMOND replied that the government had it under consideration whether some amendment might not be introduced, so as to facilitate the abolition of the tenure.<sup>188</sup>



FOOTNOTES: 8 MARCH 1855.

1. Out of the 130 members constituting the Legislative Assembly, TORONTO DAILY LEADER, 15 March 1855, reports: "There were present 105 members--55 from Upper Canada, and 50 from Lower Canada." According to GLOBE, 14 March 1855, the reason for the high attendance was that: "The Reformers were determined to make one other effort to stop the infamous commutation clause of the Reserve Bill from being acted on". This commentary also adds: "The house was very full, outside and inside the bar, and an unusual degree of interest was manifested in the debate."
2. LE PAYS, 13 March 1855.
3. GLOBE, 20 March 1855.
4. LE PAYS, 15 March 1855.
5. IBID.
6. IBID.
7. GLOBE, 20 March 1855.
8. IBID.
9. MORNING CHRONICLE, 10 March 1855.
10. GLOBE, 20 March 1855. The ellipsis represents illegible words.
11. GLOBE, 20 March 1855.
12. IBID.
13. MORNING CHRONICLE, 10 March 1855.
14. IBID.
15. GLOBE, 20 March 1855.
16. MORNING CHRONICLE, 10 March 1855.
17. IBID.
18. GLOBE, 20 March 1855.
19. MORNING CHRONICLE, 10 March 1855.
20. IBID.
21. GLOBE, 20 March 1855.
22. IBID.
23. GLOBE, 20 March 1855. The ellipsis represents illegible words.
24. GLOBE, 20 March 1855.
25. IBID.
26. IBID.
27. MORNING CHRONICLE, 10 March 1855.
28. GLOBE, 20 March 1855.
29. MORNING CHRONICLE, 10 March 1855.
30. GLOBE, 20 March 1855.
31. MORNING CHRONICLE, 10 March 1855.
32. GLOBE, 20 March 1855.
33. IBID.
34. TORONTO DAILY LEADER, 14 March 1855.
35. EXAMINER, 28 March 1855.
36. TORONTO DAILY LEADER, 14 March 1855.
37. GLOBE, 20 March 1855.
38. MORNING CHRONICLE, 10 March 1855.
39. GLOBE, 20 March 1855.
40. MONTREAL GAZETTE, 12 March 1855.
41. GLOBE, 20 March 1855.
42. EXAMINER, 28 March 1855.
43. GLOBE, 20 March 1855.

44. IBID.
45. MORNING CHRONICLE, 10 March 1855.
46. GLOBE, 20 March 1855.
47. IBID.
48. IBID.
49. IBID.
50. TORONTO DAILY LEADER, 14 March 1855.
51. GLOBE, 20 March 1855.
52. GLOBE, 21 March 1855.
53. IBID.
54. MORNING CHRONICLE, 10 March 1855.
55. GLOBE, 21 March 1855.
56. TORONTO DAILY LEADER, 14 March 1855.
57. GLOBE, 21 March 1855.
58. IBID.
59. TORONTO DAILY LEADER, 14 March 1855.
60. GLOBE, 21 March 1855.
61. TORONTO DAILY LEADER, 14 March 1855.
62. GLOBE, 21 March 1855.
63. MORNING CHRONICLE, 10 March 1855.
64. GLOBE, 21 March 1855.
65. EXAMINER, 28 March 1855.
66. TORONTO DAILY LEADER, 14 March 1855.
67. GLOBE, 21 March 1855.
68. TORONTO DAILY LEADER, 14 March 1855.
69. IBID.
70. IBID.
71. GLOBE, 21 March 1855.
72. MORNING CHRONICLE, 10 March 1855.
73. GLOBE, 21 March 1855.
74. MORNING CHRONICLE, 10 March 1855.
75. GLOBE, 21 March 1855.
76. TORONTO DAILY LEADER, 14 March 1855.
77. IBID.
78. IBID.
79. GLOBE, 21 March 1855.
80. MORNING CHRONICLE, 10 March 1855.
81. TORONTO DAILY LEADER, 14 March 1855.
82. GLOBE, 21 March 1855.
83. IBID.
84. TORONTO DAILY LEADER, 14 March 1855.
85. GLOBE, 21 March 1855.
86. IBID.
87. TORONTO DAILY LEADER, 14 March 1855.
88. MORNING CHRONICLE, 10 March 1855.
89. TORONTO DAILY LEADER, 14 March 1855.
90. GLOBE, 21 March 1855.
91. IBID.
92. TORONTO DAILY LEADER, 14 March 1855.
93. GLOBE, 21 March 1855.
94. TORONTO DAILY LEADER, 14 March 1855.
95. MORNING CHRONICLE, 10 March 1855.

96. TORONTO DAILY LEADER, 14 March 1855.
97. GLOBE, 21 March 1855.
98. TORONTO DAILY LEADER, 14 March 1855.
99. GLOBE, 21 March 1855.
100. MORNING CHRONICLE, 10 March 1855.
101. GLOBE, 21 March 1855.
102. MORNING CHRONICLE, 10 March 1855.
103. GLOBE, 21 March 1855.
104. TORONTO DAILY LEADER, 14 March 1855.
105. GLOBE, 21 March 1855.
106. IBID.
107. IBID.
108. IBID.
109. IBID.
110. TORONTO DAILY LEADER, 14 March 1855.
111. GLOBE, 21 March 1855.
112. MORNING CHRONICLE, 10 March 1855.
113. GLOBE, 21 March 1855.
114. EXAMINER, 28 March 1855.
115. GLOBE, 21 March 1855.
116. IBID.
117. MORNING CHRONICLE, 10 March 1855. MORNING CHRONICLE reports this inter-  
jection by Mr. Brown at the moment when Dr. Pyper's address was mentioned.  
A little later in Mr. Cameron's speech the first person account in GLOBE,  
21 March 1855, also reports a cry of "No!" by Mr. Brown (footnote 122).  
Neither account reports that Mr. Brown interrupted twice; however, both  
are included since it is not clear to which comment he objected.
118. MORNING CHRONICLE, 10 March 1855.
119. GLOBE, 21 March 1855.
120. MORNING CHRONICLE, 10 March 1855.
121. GLOBE, 21 March 1855.
122. IBID.
123. IBID.
124. IBID.
125. TORONTO DAILY LEADER, 14 March 1855.
126. GLOBE, 21 March 1855.
127. IBID.
128. IBID.
129. IBID.
130. IBID.
131. IBID.
132. IBID.
133. IBID.
134. IBID.
135. IBID.
136. TORONTO DAILY LEADER, 14 March 1855.
137. GLOBE, 21 March 1855.
138. TORONTO DAILY LEADER, 14 March 1855.
139. GLOBE, 21 March 1855.
140. TORONTO DAILY LEADER, 14 March 1855.
141. MORNING CHRONICLE, 10 March 1855.

142. TORONTO DAILY LEADER, 14 March 1855.
143. MORNING CHRONICLE, 10 March 1855.
144. GLOBE, 21 March 1855.
145. TORONTO DAILY LEADER, 14 March 1855.
146. MORNING CHRONICLE, 10 March 1855.
147. IBID.
148. IBID.
149. TORONTO DAILY LEADER, 14 March 1855.
150. MORNING CHRONICLE, 10 March 1855.
151. GLOBE, 21 March 1855.
152. IBID.
153. IBID.
154. IBID.
155. MORNING CHRONICLE, 10 March 1855.
156. GLOBE, 21 March 1855.
157. IBID.
158. IBID.
159. IBID.
160. TORONTO DAILY LEADER, 14 March 1855.
161. GLOBE, 21 March 1855.
162. MORNING CHRONICLE, 10 March 1855.
163. GLOBE, 21 March 1855.
164. IBID.
165. EXAMINER, 28 March 1855.
166. GLOBE, 21 March 1855.
167. IBID.
168. IBID.
169. IBID.
170. IBID.
171. MORNING CHRONICLE, 10 March 1855.
172. TORONTO DAILY LEADER, 14 March 1855.
173. MORNING CHRONICLE, 10 March 1855.
174. TORONTO DAILY LEADER, 14 March 1855. MORNING CHRONICLE, 10 March 1855,  
comments: "The reading of this extract caused much laughter on both sides  
of the House."
175. MORNING CHRONICLE, 10 March 1855.
176. TORONTO DAILY LEADER, 14 March 1855.
177. GLOBE, 21 March 1855.-
178. IBID.
179. MORNING CHRONICLE, 10 March 1855.
180. TORONTO DAILY LEADER, 14 March 1855.
181. GLOBE, 21 March 1855.
182. IBID.
183. MORNING CHRONICLE, 10 March 1855.
184. GLOBE, 21 March 1855.
185. TORONTO DAILY LEADER, 14 March 1855.
186. In its commentary GLOBE, 14 March 1855, states: "It was curious to notice  
the general eagerness as the votes were counted out,--and when the result  
was announced it showed a great gain to the opposition over any previous  
vote. The numbers were 42 to 63.... It will also be observed that the  
minority consisted entirely of Reformers--while the ministerial ranks



boasted but 3--including Mr. Spence, if the colleague of Messrs. Cauchon & Co. can be so designated. The Commutation scheme has therefore been stamped as a Tory measure--it has been carried by French Canadians and the Tories of Upper Canada, and a handful of unfaithful professing Reformers!"

187. GLOBE, 20 March 1855.

188. GLOBE, 20 March 1855. The Telegraph reports of LE PAYS, 10 March 1855, HAMILTON SPECTATOR, 10 March 1855, LA MINERVE, 9 March 1855, and TORONTO DAILY LEADER, 9 March 1855, all differ from the newspaper account of GLOBE, 20 March 1855. They report that it was Mr. Com. Pub. Works Lemieux who replied to Mr. Dufresne.

FRIDAY, 9 MARCH 1855.

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MR. Speaker acquainted the House, That the Clerk of this House had received from the Clerk of the Crown in Chancery the following Certificate:--

Province of Canada.

This is to certify, that in virtue of a Writ of Election dated the thirty-first day of January last past, issued by His Excellency the Governor General, and addressed to the Registrar of the County of Verchères, Félix Geoffrion, Esquire, Returning Officer ex-officio for the County of Verchères for the election of a Member to represent the said County of Verchères in the Legislative Assembly of this Province, in the present Parliament, in the room of George Etienne Cartier, Esquire, who, since his election as the Representative of the said County of Verchères, had accepted an Office of profit under the Crown, to wit: the Office of Secretary of this Province, by means whereof the seat of the said George Etienne Cartier, Esquire, as the Representative of the said County of Verchères, has become vacant, the Honorable George Etienne Cartier has been returned as duly elected accordingly, as appears by the Return to the said Writ of Election, dated the twenty-sixth day of February last past, which is now lodged of record in my Office.

Office of the Clerk of the Crown in Chancery,  
Quebec, 9th March, 1855,

Félix Fortier,

Clerk of the Crown in Chancery.

Wm. Burns Lindsay, Esquire,

Clerk, Legislative Assembly, Quebec.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Polette,--The Petition of the Right Reverend the Bishop of Three Rivers, and others, Members of the School Committee of the Town of Three Rivers.

By Mr. Thomas Fortier,--The Petition of Mrs. Lucie Bouchette, widow of the late Frederic Rolette, Parish of St. Jean Baptiste de Nicolet; the Petition of the Very Reverend F.G. Loranger, V.G. and others, Members of the Séminaire de Nicolet; and the Petition of the Reverend J.O. Prince and others, of the Parish of St. Norbert d'Arthabaska.

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By the Honorable Mr. Rolph,--The Petition of the Municipality of the Township of Townsend, County of Norfolk.

By Mr. Church,--The Petition of William Kidd and others, of the Township of Oxford, County of Grenville; and the Petition of the Municipality of the Township of Oxford, County of Grenville.

By Mr. Cooke,--The Petition of Charles Symmes and others, of the County of Ottawa; and the Petition of Alexandrina Cameron and others, of the Township of Lochaber, County of Ottawa.

By Mr. Marchildon,--The Petition of Antoine R. Laflèche and others, of the Parish of Ste. Anne, in the County of Champlain, Censitaires.

By Mr. Poulin,--The Petition of Robert Gillespie and others, of the County of Rouville.

By Mr. Chapais,--The Petition of P.O.C. Dupuy, of the Parish of St. Paschal, County of Kamouraska, Merchant; and the Petition of Jean Thomas Béchard, of the Parish of St. Louis de Kamouraska, Notary.

By Mr. Solicitor General Ross,--The Petition of the Reverend L. Proulx and others, of Ste. Marie and other places, in the County of Beauce.

By the Honorable Mr. Attorney General Macdonald,--The Petition of James Sampson, M.D. and others, Medical Practitioners of the City of Kingston; the Petition of the City of Kingston Water Works Company; and the Petition of James Powles, Speaker, and others, the Chiefs and Sachems of the Six Nations of Indians residing on the Grand or River Ouse.

By the Honorable Mr. Cartier,--The Petition of the Reverend T.B. Pelletier and others, of the Parish of Terrebonne, Proprietors of the College Masson.

The Serjeant-at-Arms attending this House, informed the House, That he had taken James Ross, Esquire, into his custody.

Whereupon Mr. Murney acquainted the House, that he was desired by Mr. Ross to state, That the reason for his not being in attendance on the Committee appointed to try the Contested Election for the County of Montmagny, on the day to which the Committee stood adjourned, was his severe illness, as appears by the Certificate of James Lister, Esquire, Member of the Royal College of Surgeons, London--and further that as soon as the state of his health permitted, he proceeded to Quebec to give his attendance on the said Committee; and the same having been verified upon Oath by Mr. Ross;

On motion of Mr. Murney, seconded by the Honorable John Sandfield Macdonald, Ordered, That James Ross, Esquire, be discharged out of custody, without payment of Fees.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Municipal Council of the County of Portneuf; representing that they have examined the Bill relative to Municipalities in Lower Canada, and praying that the same may not become law.

Of the Reverend L.J. Guyon and others, of the Parish of Ste. Elizabeth, County of Joliette; praying aid for the Asylum under the care of Les Révérendes Soeurs dites de la Providence, in the said Parish.

Of George Baptist and others, of the Townships of St. Maurice and Shawenegan; praying aid for roads and bridges.

Of the Board of Common School Trustees of the Town of Belleville; praying for amendments to the Common School Act of Upper Canada.

Of L'Institut Canadien of Montreal; praying for aid.

Of L'Institut Canadien of Montreal; praying for additional aid to enable them to repair their building.

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Of the Corporation of the Montreal Asylum for aged and infirm Women and Orphans; praying an aid in behalf of the said Asylum.

Of the Montreal Protestant Orphans Asylum; praying for aid.

Of the Consumers' Gas Company of Toronto; praying for an increase of their capital stock.

Of the Municipality of the Township of Nichol, County of Wellington; setting forth, that application will be made to the Legislature during the present Session, to unite a portion of the Township of Garafraxa to the Township of Nichol, and praying that the said application may not be granted.

Of the Municipality of the Township of Garafraxa; and of William Finley and others, of the Township of Garafraxa; praying that no portion of the said Township be annexed to the Township of Nichol.

Of D. Matheson and others, of the Township of Oxford; of the Municipality of the Township of Moore; of the Municipality of the Township of Warwick; of the Municipality of the Township of Dawn; and of Christina Cameron and other women of Port Sarnia; praying for the passing of a Prohibitory Liquor Law.

Of P. Cowan and others, of Nelsonville and Churchville, Township of Durham; praying aid for the Missisquoi High School.

Of the Kirk Session of the Presbyterian Congregation of the Township of Beckwith, United Counties of Lanark and Renfrew, in connection with the Church of Scotland; and of the Presbytery of Bathurst of the Presbyterian Church of Canada, in connection with the Church of Scotland; praying that the Bill now before the House to amend the Law of Upper Canada with respect to the solemnization and registration of Marriages, may not become Law.

Of George James Gale and others, Clerks and Bailiffs of Division Courts, County of Grey; praying for an increased rate of Fees in the said Courts.

Of the President and Directors of the Agricultural Society of the County of Welland; praying that the Act 16 Vic. cap. 11, sec. 36, may be repealed.

Of the Reverend E. Lecours, Curé, and others, Church Wardens of the Fabrique of the Parish St. Aimé, County of Richelieu, and others of the said Parish; praying for aid to finish a building destined for the purpose of Education.

Of the Right Reverend the Bishop of Cydonia, Administrator of the Diocese of Montreal; praying an aid in behalf of the St. Patrick Hospital of Montreal.

Of P.D. Hébert, Esquire, and others, of the Parish of Napierville, Censitaires; praying for certain amendments to the Seigniorial Tenure Act.

Of James Drake and others, of the Town of Port Sarnia; praying that the Bill now before the House to prevent the traffic in Intoxicating Liquors may become Law.

Of the Catholic Trustees of the Académie de St. André d'Argenteuil; praying for aid.

Of the Reverend M.J.E. Chévigny and others, of the Parish of St. Henri de Mascouche, District of Montreal; praying an aid for the College of St. Henri de Mascouche.

Mr. Jobin, from the Standing Committee on Contingencies, presented to the House the Tenth Report of the said Committee; which was read, as followeth:--

Your Committee having had under their consideration the Resolution adopted by Your Honorable House on the sixteenth of December last, increasing the Allowance to Members, recommend that the addition embraced in the said Resolution be continued throughout the present Session.

Your Committee also recommend that the Salary of the Librarian of Your Honorable House be the same as that of the Assistant Librarian, and that it take effect from the first of January last.

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Ordered, That the said Report be printed for the use of the Members of this House.

Mr. Laberge, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Montmagny, informed the House, That William Frederick Powell, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee this day.

Mr. Hartman, from the Standing Committee on Standing Orders, presented to the House the Twentieth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of Thomas Williams, Trustee, and others, Members of the First Colored Calvinist Baptist Church of Toronto,--and of Messieurs Babineau and Gaudry, and others interested in the Trade and Navigation of the River St. Lawrence, and find the Notices sufficient.



The Petition of E. Short and others, for incorporation of the Literary Institute of Sherbrooke, &c., is not of such a nature as to require the publication of Notice.

Resolved, That the Bill to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town, be referred to a Select Committee, composed of Mr. Alleyn, Mr. Blanchet, Mr. Antoine Aimé Dorion, Mr. Solicitor General Ross, and Mr. Casault, to report thereon with all convenient speed; with power to send for persons, papers and records.

Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill, to make certain alterations in the Deed of Trust of the First Colored Calvinist Baptist Church of Toronto.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the nineteenth instant.

Ordered, That the Petition of the Reverend Enoch Wood and others, Ministers of the Wesleyan Methodist Church in Canada; and the Petition of the Presbytery of Bathurst of the Presbyterian Church of Canada in connection with the Church of Scotland, be printed for the use of the Members of this House.

On motion of the Honorable Sir Allan N. MacNab, seconded by Mr. Chisholm,

Ordered, That the Notices of Motions, for this day, be postponed until Monday next.

The Honorable Sir Allan N. MacNab, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth:--

Edmund Head,

The Governor General transmits to the Legislative Assembly a Copy of a Despatch from Her Majesty's Sec[r]etary of State for the Colonies, with accompanying documents, which he has been instructed to communicate to the House.

Government House,

Quebec, 9th March, 1855.

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(Copy.)--No. 5.

Downing Street, 15th February, 1855.

Sir,--With reference to Sir George Grey's Despatch No. 12, of the 26th January, I transmit the Copy of a Letter addressed to this Department by direction of the Secretary of State for Foreign Affairs, enclosing a Copy of a Despatch from Her Majesty's Ambassador at Paris, with a Copy of a Note addressed to him by the French Minister for Foreign Affairs, conveying the acknowledgment of his Government for the Canadian Donation to the Widows and Orphans of French Soldiers and Sailors who may fall in the present War; and I have to instruct you to communicate these papers to the Legislative Council and ... Legislative Assembly of Canada.

I have, &c.,

(Signed,)

Sidney Herbert.

Governor Sir Edmund Head, Bart.,

&c., &c., &c.

(Copy.)

Foreign Office, 9th February, 1855.

Sir,--With reference to your letter of the 25th of January last, I am directed by the Earl of Clarendon to transmit to you, for the information of Secretary Sir George Grey, the accompanying Copy of a Despatch from Lord Cowley, Her Majesty's Ambassador at Paris, enclosing a Copy of a Note addressed to him by the French Minister for Foreign Affairs, conveying the acknowledgment of the French Government for the Canadian Donation to the Widows and Orphans of the French Soldiers and Sailors who may be killed in the present War; and expressing their readiness to receive the money whenever it suits Her Majesty's Government to remit it to Paris.

I have, &c.,  
(Signed,)

E. Hammond.

H. Merivale, Esquire,  
&c.,            &c.,            &c.

(Copy.)

Paris, 7th February, 1855.

My Lord,--I lost no time after the receipt of Your Lordship's Despatch No. 85, in informing the French Government, through M. Drouyn de Lhuys, of the Donation made by the Canadian Legislature to the Widows and Orphans of the Soldiers and Sailors of France engaged in the present War with Russia. I received yesterday from His Excellency a Note in reply, a copy of which I have the honor to enclose, and in which the gratitude of the French Government for the Donation of the Canadian Legislature is vividly (sic) expressed.

M. Drouyn de Lhuys states himself to be ready to receive the money voted, whenever it suits Her Majesty's Government to transmit it to Paris.

I have, &c.,

(Signed,) Cowley.

The Earl of Clarendon.

(Translation.)

M. L'Ambassadeur,--I have received the Letter in which Your Excellency has been pleased to transmit to me a Copy of the Address voted by the Legislative Council and Legislative Assembly of Canada, with the view of presenting to Her Britannic Majesty their congratulations on the victory gained on the Alma by the allied Armies, and of intimating their intention to contribute to the Fund for

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the relief of the Widows and Orphans of the Soldiers, Sailors and Marines belonging to the combined Forces of France and England engaged in the present War.

While anxious, my Lord, to hasten the expression of my thanks for this communication, I cannot find words to describe to you how deeply the Government of the Emperor has been affected by this testimonial, so expressive of their sympathy, which the inhabitants of Canada have thought fit to offer to the Soldiers who are bravely supporting the honor of the Flags of Great Britain and France, in the Crimea. It is with the highest pleasure that we have witnessed the spectacle of one sympathetic demonstration, embracing at once both Fleets, and both Armies, and that we have heard the sentiments of mutual friendship and esteem, which already attach the latter so strongly here, re-echoed from beyond the Atlantic.

Accepting, then, with deep gratitude, in the name of the Government of the Emperor, the portion of the money transmitted by Canada to the allied Armies, I have the honor to inform Your Excellency that I am prepared to receive, whenever you consider it expedient to remit it to me, the £10,000, of which the offering intended for the French Fleet and Army consists. It shall be my care to forward it immediately to the Minister of War and the Minister of Marine, whose duty it will become to make a proportionate distribution thereof, between their two Departments.

I avail myself, &c., &c.,

Drouyn De Lhuys.

His Excellency Lord Cowley,  
&c., &c., &c.

On motion of MR. PRES. EX. COUN. MACNAB<sup>1</sup>,

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Ordered, That the said Message, and the accompanying documents, be printed for the use of the Members of this House.

The House, according to Order, resumed the further consideration of the Motion made on Wednesday last, That Joseph Magloire Hudon, Esquire, the Deputy Returning Officer for the Parish of Rivière Ouelle, at the election of a Member to represent the County of Kamouraska, held on the 28th and 29th days of July, 1854, has been guilty of a gross breach of duty, in suffering a large number of persons from the Parishes of St. Jean, St. Roch, and other places without the limits of the said County of Kamouraska, to vote at the said Election as usufruitiers, without their having previously taken any Oath of qualification, pursuant to the requirements of the Act 12 Vic. cap. 37 (sic).

MR. CHAUVEAU objected to the motion being proceeded with until an opportunity had been given of having witnesses on behalf of the accused.<sup>2</sup>

MR. PRES. EX. COUN. MACNAB consented to withdraw his motion with that view.<sup>3</sup>

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And the said Motion was, with the leave of the House, withdrawn.

And the House being informed that Joseph Magloire Hudon attended at the door, he was called in.

A Petition of Joseph Magloire Hudon, of St. Louis de Kamouraska, Esquire, Advocate, was then presented to the House by the Honorable Mr. Chauveau, and received and read; setting forth: That in consequence of certain charges brought against the Petitioner by the Committee appointed to enquire into the Contested Election for the County of Kamouraska, with reference to the admission of usufructuaries to vote without taking the Oath of qualification, the House has thought fit to summon the Petitioner to appear at the Bar of the House, to answer for his conduct as Deputy Returning Officer at the Poll at Rivière Ouelle, during the last General Election: That in conformity with this Order of the House, the Petitioner has the honor to represent, that by the forty-first section of the Act 12 Vic. cap. 27, the Deputy Returning Officer is bound to administer to voters, the Oaths Nos. 5 and 6, and no others: That these Oaths can in no way be made applicable to usufructuaries, to whom, nevertheless, the right of voting at Elections for the County is given by the thirty-eighth Section: That the Petitioner, in the difficult position in which he was placed,

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did not take upon himself to make up the deficiency manifested in that Act, with respect to the Oath of qualification, and deemed it his duty to act strictly in



accordance with the terms of the Law: That the Petitioner takes the liberty of further representing that, in the whole course of his conduct at the said Poll, he was only influenced by a sense of duty, and strove to act with the greatest impartiality, towards the two parties into which the County was then divided; that he had previously given a similar decision on the same question at the time of the Election of 1851; that he has, moreover, since been confirmed in this opinion, and that even on the first day of polling, he admitted several voters to vote as usufructuaries without administering the Oath, under the impression that he had no right to do it: That the Petitioner relying upon the good faith which has governed all his actions in the matter in question, and in consideration of the embarrassing position in which he was placed by the Law, ventures to hope that the House will be pleased to do him justice, by acknowledging the justice of his intentions; and praying that the House will be pleased to take this his Petition into favorable consideration, and declare that the explanations of the Petitioner are satisfactory, and thereupon to make such order as the House shall deem expedient.

On motion of the Honorable Mr. Chauveau, seconded by Mr. Pouliot,

Ordered, That the prayer of the said Petition be granted; and that Witnesses be heard on behalf of the Petitioner.

MR. CHAUVEAU moved that the witnesses on behalf of the accused being present they be now heard.<sup>4</sup>

MR. FOURNIER moved an amendment to the effect that Mr. Hudon had endeavoured to put the law into execution, and was not to be held responsible for its violation.<sup>5</sup>

MR. SICOTTE the SPEAKER refused to receive this amendment as having nothing to do with the motion in his hands.<sup>6</sup>

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On motion of Mr. Casault, seconded by the Honorable Mr. Chauveau,

Ordered, That leave be granted to Mr. Hudon to be assisted by Counsel.

Marc Aurèle Plamondon, Esquire, then appeared as Counsel for Mr. Hudon.

Jean Charles Chapais, Esquire, a Member of the House, was examined in his place; as followeth:--

By Mr. Casault:--

1. Is your name Jean Charles Chapais, of the Parish of St. Denis, and are you Member for the County of Kamouraska?--My name is Jean Charles Chapais, and I am Member for the County of Kamouraska.

2. Were you not a Candidate for the County of Kamouraska at the Election in 1851, and had not Mr. Hudon charge of the Poll at Rivière Ouelle in the capacity of Deputy Returning Officer?--I was a Candidate at the Election for the County of Kamouraska in 1851, and Mr. Hudon had charge of the Poll as Deputy Returning Officer at Rivière Ouelle.

3. On the second day of the Poll at the said Election, did not a person named Pierre Boucher come to the Poll at Rivière Ouelle and tender his vote as usufructuary, in your favor; and is it not true that after long discussion, the said Deputy Returning Officer decided that, as he saw in the Election Law no Oath of qualification applicable in the case of usufructuaries, he did not think he could refuse to admit him to vote, and that, without administering to him any Oath; and is it not true that the said Pierre Boucher did then vote in your favor?--The facts referred to are true.

4. Are you of opinion that in admitting usufructuaries to vote without administering to them the Oath of qualification at the Election in 1854,



*Mr. Hudon acted so from motives of partiality, or because he considered himself compelled so to act by law?--Upon the occurrence of these circumstances at the Election in 1854, my first impression was that partiality had been manifested, but now upon calm reflection, and upon comparison of the events at the Election of 1851 with those of 1854, I consider that Mr. Hudon's fault was the result of an error of judgment.*

*By the Honorable Mr. Attorney General Drummond:--*

*5. Is it not to your knowledge that Mr. Hudon permitted children to vote, and that he even took down in the Poll Books the names of young persons fifteen years of age?--I did not stop at the Poll at Rivière Ouelle during the voting on the second day of the Election in 1854; I left a person in my place.*

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*6. Did you not yourself require Mr. Hudon to administer the Oath of qualification to those persons who came up to vote as usufructuaries?--Yes, I did so.*

*7. Did Mr. Hudon refuse to do it?--Yes, he did so refuse.*

*8. Did you require him to administer the Oath to those who presented themselves to vote more than once, or to those who were minors?--*

MESSRS. PAPIN et LABERGE s'opposent à ce que cette question soit posée au témoin, parce que le comité n'a pas porté accusation dans son rapport, et qu'on ne peut juger l'accusé que d'après l'accusation.<sup>7</sup>

MR. PRES. EX. COUN. MACNAB dit qu'il a violé les privilèges de la Chambre en admettant des enfants à voter, et en permettant à des personnes de voter deux ou trois fois, et que par conséquent la Chambre peut s'enquérir de ces faits pour en venir à une décision.<sup>8</sup>

MR. TURCOTTE dit que l'esprit des membres est déjà assez préjugé contre le prisonnier, sans que l'hon. premier vienne avancer des faits qui ne sont pas vrais, d'après le rapport même du comité. Il est faux qu'il soit prouvé que des enfants aient été admis à voter; seulement l'officier-rapporteur dit qu'il le croit,--mais il n'y a rien pour le prouver.<sup>9</sup>

MR. AT. GEN. DRUMMOND pense qu'en faisant cette enquête, la Chambre ne doit pas se limiter aux faits mis en évidence par le rapport du comité, mais que puisque les privilèges de la Chambre ont été violés, il faut en faire la preuve la plus ample, et qu'en conséquence la question peut être posée. Le comité a prouvé que le prisonnier s'était rendu coupable d'une violation des privilèges de la Chambre et de corruption. L'hon. membre a dit qu'il n'était pas vrai que des enfants eussent été admis à voter, et cependant M. Taché dit qu'il a vu voter une personne qui lui paraissait avoir 15 ou 16 ans; il est étonnant qu'une personne de 21 ans n'en paraisse avoir que 15 ou 16,--on pourrait la connaître par la barbe seulement.<sup>10</sup>

MR. TURCOTTE dit que le témoignage invoqué par M. Drummond ne vaut rien, parce que M. Taché ne dit pas positivement que cette personne n'avait que 15 ou 16 ans, mais qu'elle paraissait les avoir; et l'hon. Procureur-général devrait savoir, en sa qualité d'avocat, qu'avant qu'il soit prouvé qu'un homme a voté sans être qualifié, il a le bénéfice de la loi et n'est pas coupable.<sup>11</sup>

MR. CHAUVEAU dit qu'il y a d'autres manières de s'assurer si une personne a 21 ans qu'en lui regardant à la barbe. La seule charge portée par le comité contre le prisonnier, est qu'il a refusé d'administrer le serment à des usufruitiers qui se présentaient pour voter. Mais cette accusation n'est pas fondée, parce qu'il n'y a pas de formule de serment pour les usufruitiers, et M. Hudon

ne se croyait pas autorisé à changer la formule du serment pour le leur appliquer. On ne peut examiner et juger le prisonnier que sur les charges portées contre lui par le comité, et non pas sur ce qu'il n'a pas même jugé à propos de mentionner dans son rapport. D'ailleurs M. Hudon ne pouvait pas s'attendre à rencontrer de nouvelles accusations ici, et il n'est pas prêt à répondre aujourd'hui à toutes celles qu'on pourra porter contre lui. Il le répète, on ne peut juger l'accusé que sur les faits mis en évidence par le rapport du comité, et on ne doit pas chercher à l'incriminer sur des faits auxquels il ne pouvait pas s'attendre à avoir à répondre.<sup>12</sup>

MR. CAMERON pense que, s'il est vrai qu'il a admis à voter des personnes au-dessous de 21 ans, la Chambre a le droit de s'en enquérir et de s'assurer s'il a agi en violation de la loi.<sup>13</sup>

La question est ensuite posée<sup>14</sup>.

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*I have already stated that I was not present at the time of the voting; but at the time of the discussion, when Mr. Hudon acquainted me with his determination not to administer the Oath to those who presented themselves to vote as usufructuaries, I remarked to him that, according to that decision, a minor or a person coming to vote for the second or third time, and calling himself a usufructuary, would be permitted to vote without taking the Oath. He replied that it was not his fault, but the fault of the law, and that it was not his business to rectify it, and that he acted so because there was no form of Oath in the Act applicable to usufructuaries.*

*The House being informed that Charles Eugène Panet, Esquire, attended at the door, he was called in; and, at the Bar, examined, as followeth:--*

*By the Honorable Mr. Chauveau:--*

*9. Is not your name Charles Eugène Panet; are you not an Advocate residing at Quebec; and were you not present at the Poll at Rivière Ouelle on the second day of the Election in 1854?--My name is Charles Eugène Panet. I was at the Poll-house of Rivière Ouelle on the second day of the Election from about two o'clock in the afternoon.*

*10. Is it not true that at the said Election, Mr. Hudon, acting as Deputy Returning Officer at the Poll at Rivière Ouelle, refused to admit a large number of persons to vote, who presented themselves as usufructuaries, but who did not appear to him to be 21 years of age, and also a great number of other persons who, he said, had voted before?--Yes, it is true.*

*11. Is it not true that at the time of the said Election, Mr. Hudon, to your knowledge, loudly expressed his indignation at the conduct of the Electors, and endeavoured by every means in his power to prevent the abuses introduced in the voting?--Mr. Hudon appeared to me to be displeased at witnessing what was taking place, and to my knowledge refused, as far as he was able, to admit votes.*

*12. Is it not to your knowledge that the said Joseph Magloire Hudon, Esquire, did all in his power to prevent the abuses which the Electors were desirous of committing, and that he even enquired of some of them who appeared to be young, (intending to put them to the proof,) whether they could make Oath as to their age, and that thereupon some of them thinking that the said Deputy Returning Officer was about to administer the Oath, withdrew without voting?--It is so to my knowledge.*

*By the Honorable Mr. Cartier:--*

*13. Is it not true that Mr. Hudon was required to administer the Oath of qualification to Electors who went up to vote as usufructuaries, and that he*

refused to administer the Oath?--No, not to my recollection. At the time I arrived there, Mr. Chapais' representative was not at the Poll-house.

14. Were you not the agent for Mr. Letellier, the Candidate who opposed Mr. Chapais?--Not in the Parish of Rivière Ouelle.

15. Did you not act as agent for Mr. Letellier at some polling-place during the Election in question?--Yes, at the Poll at Ste. Anne.

And then he was directed to withdraw.

The House being informed that Mr. Jean Thomas Béchard attended at the door, he was called in; and, at the Bar, examined, as followeth:--

By the Honorable Mr. Chauveau:--

16. Is not your name Jean Thomas Béchard, of the Parish of St. Louis de Kamouraska, Notary Public?--My name is Jean Thomas Béchard, of St. Louis de Kamouraska, Notary Public.

17. Is it to your knowledge that Mr. Hudon, Deputy Returning Officer at the

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Election in 1851, declared that he did not conceive that the law gave him power to administer the Oath of qualification to usufructuaries, and that on that occasion, consequently, he acted without distinction of parties?--Yes, I am aware of these facts.

18. Is it not true that Mr. Letellier and Mr. Chapais, who were Candidates at the last Election but one, were Candidates at the Election in 1851?--Yes, they were both Candidates at that Election.

19. Is it not true that since the year 1851 until the Election in 1854, Mr. Hudon has often discussed the same legal question in your presence, and always pronounced the same opinion upon it?--Yes, such is the case.

20. Is it not true that since you have been acquainted with Mr. Hudon up to the period of the last Election in 1854, you have known that he has never belonged to either party, but has always preserved the most complete neutrality?--He has always refrained in my presence from expressing his opinion, and has always said that he did not wish to meddle with the matter.

21. Is it not true that you have been an intimate acquaintance of Mr. Hudon's since he has resided at Kamouraska, and is it not true that that gentleman enjoys a universal reputation throughout the country for integrity and respectability, which has never been called in question?--I have been intimately acquainted with Mr. Hudon since he has resided at Kamouraska: in that locality he enjoys a very excellent reputation.

And then he was directed to withdraw.

The House being informed that Mr. David Tétu attended at the door, he was called in; and, at the Bar, examined, as followeth:--

By the Honorable Mr. Chauveau:--

22. Is not your name David Tétu, of the Parish of Rivière Ouelle, Merchant?--It is.

23. Were you present at the Poll at Rivière Ouelle, at the last Election but one for the County of Kamouraska?--I was present from three until five o'clock.

24. Is it not true that at the last Election but one for the County of Kamouraska, Mr. Hudon, acting as Deputy Returning Officer, loudly expressed his indignation at those who were perpetrating frauds and abuses, which it was impossible for him to anticipate or prevent; and that he used his best efforts to remedy as far as possible such a state of things?--Yes, and he refused people who came disguised to enable them to vote a second time, and upon recognizing them he threatened to put them in charge of a Constable.



25. Is it not to your knowledge that the said Joseph Magloire Hudon, Esquire, did every thing in his power to prevent the abuses which the electors were desirous of committing, and that he even asked some of them who appeared to be young (with the intention of putting them to the proof,) whether they could make Oath as to their age, and that some of them, believing that the said Deputy Returning Officer was about to administer the Oath, withdrew without voting?--Yes, I am aware of these circumstances.

26. Is it not true that at the said Election, Mr. Hudon, acting as Deputy Returning Officer at the Poll at Rivière Ouelle, refused to admit a great number of persons to vote who presented themselves as usufructuaries, but who did not appear to him to be twenty-one years of age, and also a great number who, he knew, had voted before?--Yes, it is true.

27. Is it not true that you have been intimately acquainted with Mr. Hudon from his youth, and is it not true that that gentleman has enjoyed a universal reputation throughout the whole County of Kamouraska for probity, integrity, and respectability, which has never been called in question?--Yes, that is the case.

By Mr. Masson:--

28. Are you twenty-one years of age?--Yes I am twenty-five years of age.

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And then he was directed to withdraw.

Dunbar Ross, Esquire, a Member of the House, was examined in his place; as followeth:--

By Mr. Thibaudeau:--

29. Are you not Dunbar Ross, Esquire, a Member of the Provincial Parliament?--I am.

30. Is it not true that you have been acquainted with Mr. Hudon a long time, and also, that he has always, to your knowledge, enjoyed a character for probity and integrity?--It is.

31. According to that intimate personal knowledge which you have of the character of Mr. Hudon, do you think him capable of acting partially, or shewing favor to one party when he is under oath?--Judging by the character of Mr. Hudon as I knew him previous to the Election, I should not have thought him capable of doing such a thing.

Honorable François Lemieux, a Member of the House, was examined in his place; as followeth:--

By Mr. Thomas Fortier:--

32. Are you not the Honorable François Lemieux, Member of the Provincial Parliament, and Chief Commissioner of Public Works for the Province of Canada?--I am.

33. Is it not true that you have been long and intimately acquainted with Mr. Hudon, and is it not true also, that he has always, to your knowledge, enjoyed a character for probity and integrity?--It is.

MR. CHAUVEAU said that, if the gallant knight proceeded with his motion, he (Mr. C.) was prepared to move an amendment.<sup>15</sup>

MR. CAMERON asked to have the evidence read ever (sic).<sup>16</sup>

MR. BROWN thought it would be well to have the evidence which had just been taken printed and in the hands of members before the House came to a final decision.<sup>17</sup>

MR. PRES. EX. COUN. MACNAB saw no objection to adjourning the case till Monday, to allow the evidence to be printed, and he hoped that members would take the trouble to read it.<sup>18</sup>



MR. BROWN thought the gallant knight's suggestion a very good one. Had the evidence been read in regard to the other parties charged in connection with this Kamouraska Election, the decision of the House might have been very different and that circumstance, that they had been called on to decide in the other case before they were prepared to do so, very much embarrassed the question before the House, since they now found that the parties whom they had discharged without question were in a much worse position than the gentleman at the bar. (Hear, hear.)<sup>19</sup>

MR. J.S. MACDONALD (Glengary), in connection with the printing of this evidence, called the attention of the Government to the fact that some Reports, laid before this House, had gone to the country, before being placed in the hands of members, a thing which he had never known to be done in Parliament till this year, and it required some explanation. (Hear, hear.) What he complained of was that certain papers, in advance of their delivery to this House, had been sent to the country, giving certain favoured parties the opportunity of being the first to lay the information before the public. One important document was actually published in a Montreal newspaper (the Gazette as we understood) before it had been delivered in this House. (Hear, hear.)<sup>20</sup>

MR. PRES. EX. COUN. MACNAB said he knew nothing about it. He did not know where these documents had been got, unless they had been procured out of the printer's hands.<sup>21</sup>

MR. GALT said the same thing had happened in the early part of the session in reference to the public accounts. He had gone to the printer to procure a copy, after it was laid on the table, but was refused, although he was aware that copies had at that time been sent to parties at a distance. (Hear, hear.)<sup>22</sup>

MR. WILSON, in reference to the subject properly before the House, hoped the evidence would be printed so as to be in the hands of members at an early hour to-morrow. In the case of the other parties, their petitions and the resolution of the Committee were not distributed till they were actually placed at the bar. He wished to know if the gallant knight intended to make this man now on his trial, a scapegoat to bear the iniquity of all of them, or, did he mean to let them all off together. (Hear, hear.) If the gallant knight would intimate his intentions he might save members the trouble of reading the evidence (Hear, hear.)<sup>23</sup>

MR. PRES. EX. COUN. MACNAB said his only object was to discharge his public duty. He begged to move that the further consideration of the question be postponed till Monday next, and to be then the first order of the Day.<sup>24</sup>

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*Mr. Hudon, and his Counsel, were then directed to withdraw.*

*On motion of the Honorable Sir Allan N. MacNab, seconded by the Honorable Mr. Attorney General Drummond,*

*Ordered, That the further consideration of the Question be postponed until Monday next, and be then the first Order of the day.*

*The House resumed the further consideration of the Question relative to the defence of Jean Gagné, of the Parish of St. Etienne, in the County of Saguenay, Notary.*

*And the House being informed that Mr. Gagné attended at the door, he was called in.*

*On motion of Mr. Pouliot, seconded by Mr. Thibaudeau,  
Ordered, That Mr. Gagné be heard by Counsel, at the Bar of this House, on  
Monday next, and that it be then the second Order of the day.  
Mr. Gagné was then directed to withdraw.*

*The Order of this House of Monday last, for the attendance of the Deputy  
Returning Officers for the County of Saguenay Election, at the Bar of the House,  
being read;*

*And the House being informed that they attended at the door, they were  
respectively called in.*

MR. FELTON moved that in the absence of Mr. Angus Morrison, chairman of the Saguenay Election Committee, the order be postponed till to-morrow.<sup>25</sup>

A good deal of discussion arose on this motion, members on the opposition side urging that in a matter affecting the privileges of the House, the Government should be prepared to proceed, independently of any private member who might have first introduced it.<sup>26</sup>

MR. WILSON, of London, ... hoped the premier would take the responsibility properly devolving on him in defence of the privileges of the House.<sup>27</sup>

Ultimately the motion was withdrawn.<sup>28</sup>

MR. PRES. EX. COUN. MACNAB then moved that John McLaren, Michael McCarty, Antoine Guay, Louis Lavoie, and Edward Tremblay, Deputy Returning officers at the late election for the county of Saguenay, were privy to the fraudulent and illegal inscribing of names on the Poll-book of the said Parish, and that they have thereby been guilty of a misdemeanour and of a gross breach of the privileges of this House.<sup>29</sup>

MR. WILSON said it would be a matter of regret, if the whole five, having been Returning officers in different parishes should be dealt with as if they had all been guilty of one crime. (Hear, hear.) He would throw out the suggestion that a separate motion should be offered in regard to each, as he was sure the gallant knight would not like anything he did to bear on it the marks of indecent haste.<sup>30</sup>

MR. PRES. EX. COUN. MACNAB said that there were only 1600 voters<sup>31</sup> [OR] only 1200 legal voters,<sup>32</sup> in the county, and those gentleman (sic) at the bar had on their poll-books no fewer than 14,000 names, which exceeded the whole population of the county. The resolution he had offered, he thought, was clearly borne out by the evidence.<sup>33</sup>

MR. CAMERON agreed with the member for London that, as those men were not jointly guilty of one joint act, there ought to be a separate motion against each.<sup>34</sup>

MR. PRES. EX. COUN. MACNAB accepted the suggestion and moved, That Louis Lavoie, Deputy Returning Officer for the Parish of Les Eboulements, at the late Elections for the County of Saguenay, was privy to the fraudulent and illegal inscribing of names on the Poll-books of the said Parish, and that he has thereby been guilty of misdemeanour and of a gross breach of the privileges [of] this House.<sup>35</sup>

MR. J. DORION (de Drummond) est surpris de la proposition du brave chevalier, parce qu'il ne voit rien pour la justifier. Il a examiné avec soin la requête des prisonniers et les témoignages rendus contre eux dans le rapport du

comité, et il en est venu à la conclusion que la proposition n'est pas justifiable et devrait être rejetée. Il y a quelques jours l'hon. chevalier a fait décharge[r] des officiers-rapporteurs qui étaient amenés ici pour un cas plus grave, mais aujourd'hui il veut faire condamner ceux-ci presque sans examen. Il ne peut s'empêcher de voir de la partialité dans ce fait, surtout lorsqu'il compare la preuve de l'élection de Kamouraska et celle d'aujourd'hui. On ne peut supposer de la fraude chez M. Lavoie, car il a dit lui-même que c'était une affaire sale que cet enregistrement des votes illégaux, et ce qui le prouve encore plus, c'est qu'il était en faveur de M. Huot, et que les votes qui ont été ainsi enregistrés l'ont été en faveur de M. Langlois, son adversaire. Il n'a donc pas pu agir avec partialité. Il votera contre la proposition parce qu'il la trouve injuste, d'autant plus que celui qui la propose a fait décharger, il y a quelques jours, des prisonniers accusés d'avoir violé leurs serments d'office.<sup>36</sup>

MR. FELTON comme membre du comité d'élection parle en faveur de la proposition.<sup>37</sup>

MR. WILSON comprend que ces officiers-rapporteurs ont pu se croire autorisés à prendre toutes les voix qui se présentaient, parce qu'il n'y avait personne pour objecter à leur vote. On paraît croire généralement que la loi ne permet pas à l'officier-rapporteur de questionner le voteur, s'il n'y a pas de représentant de la partie adverse pour le requérir de le faire,--mais il lui semble que c'est une erreur. Le brave chevalier a eu le tort de faire décharger les autres prisonniers sans même leur faire une admonestation, et il trouve étonnant qu'il veuille ce soir faire condamner ceux-ci.<sup>38</sup> [He] conceived that precisely the same reasons could be urged in favour of the gentlemen now at the bar, as those on account of which the Kamouraska Returning officers had been discharged. The plea was precisely the same in both cases, that they had been compelled by threats and violence to violate the law. He should not oppose the motion, but a difficulty would arise when the question of punishment came up, those others equally guilty having been allowed to escape (Hear, hear.)<sup>39</sup>

MR. SOL. GEN. H. SMITH said that in the other case the Election Committee had made no charge against the Returning officers.<sup>40</sup>

MR. BROWN said the Committee had in that case reported the facts, leaving the House to award the punishment. (Hear, hear.) He agreed with the member for London that in dealing with the present case they were very much embarrassed by the decision which had been come to in the other (Hear, hear.) But having voted then against the discharge of the accused parties, in opposition to the Government, he should in the same spirit, and without any party feeling support the motion of the gallant Knight on the present (sic) occasion.<sup>41</sup>

MR. CHAUVEAU dit que les prisonniers ne peuvent être coupables que de n'avoir pas compris la loi, et non de fraude et de corruption. Il est notaire (sic) que chacun de ces officiers-rapporteurs se trouvait dans une localité où ses idées n'étaient pas en faveur, et par conséquent on ne peut pas raisonnablement présumer qu'ils auraient sciemment violé la loi en faveur du candidat qui n'avait pas leurs sympathies. On peut présumer qu'ils se sont trompés sur l'interprétation de la loi,--mais la loi ne leur permet réellement pas d'administrer le serment aux voteurs sans en être requis. Si elle le leur accordait, pourquoi la Chambre aurait-elle, durant la première partie de la session, passé une loi qui leur donne ce droit? S'ils avaient déjà ce droit, notre législation était ridicule et inutile, et le fait que nous avons passé cette loi, prouve



qu'ils avaient raison d'interpréter la loi comme ils l'ont fait. La loi exige que l'officier-rapporteur fera prêter serment quand il en sera requis par le candidat, mais non autrement.<sup>42</sup> The returning officers then had no means of testing the good faith of the persons who presented themselves to them, and were bound to register the votes of all who offered them. Besides, these officers were surrounded by a mob, and were of course acting under excitement and intimidation, which, even if they had done wrong, must be held to excuse it.<sup>43</sup> On ne peut donc les condamner que si on est convaincu qu'ils ont agi par fraude et corruption; mais personne ne peut dire cela, pas même leurs accusateurs. Et s'ils se sont trompés dans leur interprétation, nous nous sommes trompés bien plus lourdement durant la dernière session, en législatant comme nous l'avons fait. Il (M. C.) trouve étonnant qu'on leur reproche même l'indignation qu'ils ont montrée pour les procédés qui avaient eu lieu durant l'élection, et que ceux qui ont trouvé les autres prisonniers innocents, veuillent aujourd'hui trouver ceux-ci coupables. Il est certain qu'ils ont agi de bonne foi et sans intérêt. Il conçoit que la chambre soit jalouse de maintenir ses privilèges, mais dans ce but elle a passé une loi dont chaque clause justifie la conduite des prisonniers. Ainsi il votera contre la proposition du brave chevalier.<sup>44</sup>

MR. LABERGE considère la chambre non pas comme l'accusateur ou l'offensé, mais come juge, et il ne veut que rendre stricte justice aux accusés. Il demande quelles preuves on a de la culpabilité des accusés. La chambre doit-elle prendre le rapport du comité tel qu'il est et rendre son jugement d'après ce rapport, ou bien doit-elle examiner les accusés de nouveau et leur faire subir un nouveau procès? Si la chambre était tenue de donner suite à la preuve faite devant le comité, comme il le soutient, il était inutile de faire venir les accusés devant elle, puisqu'il n'y a aucune preuve contre eux; mais puisqu'ils sont rendus, elle doit juger d'après les faits tels qu'ils sont. La seule accusation du comité est qu'ils ont inscrit dans les livres de poll un plus grand nombre de voix qu'il n'y en avait dans la localité,--mais la chambre ne peut pas les condamner pour cette accusation, parce que la loi des élections dit clairement que l'officier-rapporteur ne pourra pas administrer un seul serment sans qu'il en soit requis par un électeur ou l'un des candidats. La loi condamne même l'officier-rapporteur qui le ferait à une amende de £10,--et on punirait l'accusé parce qu'il n'a pas désobéi à la loi! Ce serait en vérité quelque chose d'étonnant. Cette loi est sage, parce qu'elle empêche par ce moyen l'officier-rapporteur de pouvoir se rendre maître de l'élection. Le comité constate que le candidat, contre lequel les votes étaient enregistrés, n'était pas au poll, et qu'il n'y était pas représenté; par conséquent l'officier-rapporteur n'étant pas requis de faire prêter serment, ne pouvait pas et ne devait pas le faire. Tous les membres savent bien qu'il faut maintenir la pureté des élections et les privilèges de la chambre,--mais ceux qui en parlent tant ce soir ne le font que parce qu'ils y sont poussés par l'intérêt du moment. Il ne voit pas la nécessité de développer la proposition plus au long ce soir, mais il laisse à ceux qui veulent faire condamner les prisonniers pour n'avoir pas désobéi à la loi, la responsabilité de le faire, mais il dit que si chacun interprétait la loi comme il le voudrait suivant les circonstances, on en viendrait bientôt à un despotisme affreux. Pour lui, il est d'opinion qu'il ne faut pas mettre l'officier-rapporteur dans l'alternative de violer la loi ou d'être amené à la barre de cette chambre, et il ne peut condamner l'accusé parce que ce n'est pas sa faute si la loi est défectueuse; en conséquence il votera contre la proposition.<sup>45</sup>



MR. SOL. GEN. D. ROSS pense que puisqu'il y a eu un comité de nommé par la chambre pour s'enquérir des faits de l'élection, et que ce comité a fait un rapport contre les accusés, ils sont coupables et doivent être condamnés.<sup>46</sup>

MR. TURCOTTE pense que c'est une étrange manière de raisonner, et il pense que le procureur-général Drummond n'oserait pas soutenir cette opinion. Il ne voit dans tout cela qu'une affaire de parti, et parce qu'il y a eu des élections honteuses, il ne s'en suit pas que le prisonnier Lavoie soit coupable. Il maintient que la loi dit expressément que l'officier-rapporteur ne peut objecter aux votes sans en être requis, et il défie le procureur-général et le solliciteur-général de soutenir le contraire. Il défie aussi MM. Cauchon et Lemieux de le dire. Comment peut-on donc demander la condamnation d'hommes qui ont agi suivant la loi?<sup>47</sup> It was plain that in a Court of law no offence could be proved against them, and the attorney-general, and other lawyers in the house, who proposed to punish them, would blush to put forth their present pretension before the smallest Court of Quarter Sessions in the country. If they maintained those pretensions let them never more pretend to the name of lawyers.<sup>48</sup>

MR. SOL. GEN. D. ROSS dit que la preuve que demande M. Turcotte, c'est qu'il a été inscrit dans les livres de polls un plus grand nombre de voix qu'il n'y a de voteurs, et que l'officier-rapporteur a dit lui-même que c'était une affaire sale.<sup>49</sup>

MR. TURCOTTE.--La preuve est concluante. (Rires.)<sup>50</sup>

MR. PAPIN dit que personne ne regrettait plus que lui la manière dont les élections avaient été conduites dans les comtés de Saguenay et Kamouraska; et que personne plus que lui ne désirait voir punir ceux qui étaient la cause de ces scènes déshonorantes; mais que la question sur laquelle la chambre avait à [se] prononcer dans le moment était de savoir si M. Lavoie, l'officier-rapporteur pour la paroisse des Eboulemens, était coupable de ces excès et avait violé la loi. Pour cela il s'agissait seulement d'examiner la preuve faite devant le comité et les clauses de la loi qui s'appliquaient au cas actuel. Or, quels sont les faits? Dans la paroisse des Eboulemens tout le monde votait pour M. Langlois; 1210 voix furent enregistrées en sa faveur et une seule pour M. Huot. Ce dernier n'était pas présent et n'avait personne pour le représenter à ce poll. Or la loi alors en force dit formellement que l'officier-rapporteur qui fera prêter un serment sans en être requis par un candidat ou son agent encourra une pénalité de \$10 à chaque fois. Est-il donc raisonnable de punir l'officier-rapporteur pour n'avoir pas exigé les serments ou refusé de prendre les votes quand la loi le lui défendait, sous peine d'amende. Ce serait le punir d'avoir exécuté la loi, parce qu'elle est mauvaise; et ce sont ceux qui ont passé cette mauvaise loi qui voudraient en faire tomber la responsabilité sur la tête de ceux qui sont chargés de la faire fonctionner. Il (M. P.) trouve que non seulement il ne serait pas raisonnable, mais qu'il serait injuste et tyrannique de punir l'officier-rapporteur pour avoir donné à la loi l'interprétation que lui-même (M. P.) est prêt à lui donner, comme avocat, et de fait la seule interprétation qu'il est possible de lui donner. On a reconnu que cette loi était mauvaise, puisque dans la présente session on en a passé une autre par laquelle on a autorisé spécialement les officiers-rapporteurs à faire prêter serment aux personnes qu'il[s] pourrai[en]t soupçonner de n'avoir pas droit de vote. Donc il n'avait pas ce droit auparavant. Et, s'il avait pris sur lui, contrairement à la loi, de faire prêter serment, sans en être requis, il pourrait aujourd'hui être poursuivi devant les tribunaux pour payer l'amende qu'il

aurait encourue. Pour ces considérations il voterait contre la proposition de l'hon. membre pour Hamilton.<sup>51</sup>

MR. AT. GEN. DRUMMOND held that the report of the committee was to be looked on as the decision of a jury, and all that the prisoners could be allowed to do was to put in evidence to excuse themselves from the offence which the committee, had alleged against them. The time for the trial was past. That was the uniform practice in England, and must be followed out here. It was said that the law prohibited the Returning Officer from administering the oath in any case when a vote was tendered to him unless he were required to do so by one of the candidates. But the Returning Officer was bound to refuse to allow persons to vote in a manifestly illegal manner. He did so no doubt on his own responsibility, but a public officer was bound to assume that responsibility, and that country would be very near ruin, where the public functionaries were deterred by the fear of responsibility from following an upright course.<sup>52</sup>

MR. LABERGE dit que dans ce cas l'officier-rapporteur peut refuser n'importe quel voteur en disant qu'il a déjà voté une fois; il peut en refuser dix, ou cent, ou mille, et par ce moyen contrôler l'élection.<sup>53</sup>

MR. CAMERON ... No doubt the law was as it had been laid open, but did any man conclude that because a returning officer was bound to accept all the votes that were tendered without putting the oath unless required, that he was to register votes of little children, of persons notoriously coming over and over again, of persons giving evidently feigned names. No body contended that the returning officers had judicial functions, but would any one affirm that an officer with mere administrative (sic) functions was so to perform his duty as to render it null and an absurdity. For his part he said that the indictments of petty larceny criminals should be given up at once, that our criminal judges should be dispensed with, that our gaols should be closed, if upon a mere quirk or quibble culprits who in violation of their duty to society, and to the oath they had taken in the face of their God, had thus committed a breach of the plainest dictates of their consciences.<sup>54</sup>

MR. MACKENZIE remarked that the Chief Justice of Upper Canada, had said a few years ago, that the Lower Canadians were unfit for free institutions. He (Mr. McKenzie,) had at the time taken the part of the Lower Canadians amidst much obloquy, but he must say that if scenes such as they were considering, were constantly repeated in the constituencies and of (sic) the guilty found defenders in the House as they were then doing, that the world would begin to think that Mr. Robinson was right. The truth was, the free institutions could not be preserved unless such frauds as these were effectually checked. If they continue, the lives, properties and monies of the people of this country would lie at the mercy, perhaps for months of a house composed of men, who had no title whatever to dispose of them.--He seldom praised the hon. and gallant premier, but he thanked him from his heart for the stand he was now taking against electoral fraud and corruption, which would, if not checked, destroy everything that made Canada a free country and its constitution, one under which men could be satisfied to live.<sup>55</sup>

DR. MASSON held that the Returning officer could not refuse a legal vote, but though he acted at his own peril he was undoubtedly bound to reject votes manifestly fictitious. There could be no doubt upon which the returning officer could hesitate in this case, for Lord Elgin had voted a great many times, and several of the inhabitants had voted according to the poll books more than 100

times. It was nonsense to say that the Returning officer was to register such votes as these merely because the candidate or his agent was not there to require the oath to be put.<sup>56</sup>

MR. CHAUVEAU ... [made] some further remarks in English ... which were nearly a repetition of what had been already said by him in French.<sup>57</sup>

MR. LORANGER contended that Lower Canada would be thoroughly (sic) disgraced if by the aid of Lower Canada members the prisoners at the bar were allowed to go free after committing so atrocious an offence. It was all very well to allege the law prohibiting the officer from swearing votes, but this was not a case merely of taking votes that ought not to be token (sic). The poll books were absolutely falsified. There was no error of judgment,--no misconception of the Law, here (cries of no.) No. Why here was one name in one book recorded, 208 times. Is that not wilful falsification? If the Returning officer were really in good faith, he ought like others to have made a special return. Instead of that he had signed a statement that that was a correct account of the polling.<sup>58</sup>

La motion ... est combattue par MESSRS. MARCHILDON et THIBAudeau<sup>59</sup>.

(659)

*The Honorable Sir Allan N. MacNab moved, seconded by the Honorable Mr. Attorney General Drummond, and the Question being proposed, That Louis Lavoie, Deputy Returning Officer for the Parish of Les Eboulements, at the late Election for the County of Saguenay, was privy to the fraudulent and illegal inscribing of names on the Poll-book of the said Parish, and that he has thereby been guilty of a misdemeanor and of a gross breach of the privileges of this House;*

*Mr. Laberge moved, seconded by Mr. Turcotte, and the Question being put, That this House do now adjourn; the House divided: and the names being called for, they were taken down, as follow:--*

(660)

YEAS.

*Messieurs Bell, Bourassa, Chauveau, Charles Daoust, Darche, Jean B.E. Dorion, Thomas Fortier, Frazer, Guévremont, Huot, Jobin, Laberge, Marchildon, Papin, Pouliot, Prévost, Thibaudeau, Turcotte, and Valois.--(19.)*

NAYS.

*Messieurs Aikins, Bellingham, Biggar, Brodeur, Brown, Cameron, Cartier, Casault, Cauchon, Cayley, Chapais, Church, Clarke, Cooke, Cook, Crysler, Jean B. Daoust, DeLong, Desaulniers, DeWitt, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Ferrie, Flint, Foley, Gamble, Gill, Gould, Hartman, Labelle, Laporte, Lemieux, Loranger, Macbeth, John S. Macdonald, Mackenzie, Sir A.N. MacNab, McCann, Masson, Mattice, Mongenais, Angus Morrison, Munro, Murney, Patrick, Polette, Poulin, Rankin, Roblin, Solicitor General Ross, James Ross, Sanborn, Scatcherd, Shaw, Solicitor General Smith, Spence, Whitney, Wilson, Yeilding, and Young.--(63.)*

*So it passed in the Negative.*

*And the Question being put, That Louis Lavoie, Deputy Returning Officer for the Parish of Les Eboulements, at the late Election for the County of Saguenay, was privy to the fraudulent and illegal inscribing of names on the Poll-book of the said Parish, and that he has thereby been guilty of a misdemeanor and of a gross breach of the privileges of this House; the House divided: and the names being called for, they were taken down, as follow:--*



## YEAS.

Messieurs Aikins, Bell, Bellingham, Biggar, Brodeur, Brown, Cameron, Cartier, Casault, Cauchon, Cayley, Chapais, Chisholm, Church, Clarke, Cooke, Cook, Crysler, Jean B. Daoust, Delong, Desaulniers, DeWitt, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Ferrie, Foley, Frazer, Gamble, Gill, Gould, Guévremont, Hartman, Labelle, Laporte, Lemieux, Lorranger, Macbeth, John S. Macdonald, Mackenzie, Sir A.N. MacNab, McCann, Masson, Mattice, Meagher, Mongenais, Angus Morrison, Munro, Murney, Patrick, Poulin, Rankin, Robinson, Roblin, Solicitor General Ross, James Ross, Sanborn, Scatcherd, Shaw, Solicitor General Smith, Somerville, Spence, Whitney, Wilson, Yeilding, and Young.--(68.)

(660-661)

## NAYS.

Messieurs Bourassa, Chauveau, Charles Daoust, Darche, Jean B.E. Dorion, Thomas Fortier, Huot, Jobin, Laberge, Papin, Pouliot, Prévost, Thibaudeau, Turcotte, and Valois.--(15.)

*So it was resolved in the Affirmative.*

(661)

*The Honorable Sir Allan N. MacNab moved, seconded by the Honorable Mr. Attorney General Drummond, and the Question being proposed, That the said Louis Lavoie be, for the said offence, committed to the Common Gaol of the District of Quebec, for the term of ten days, and that Mr. Speaker do issue his Warrant accordingly;*

MR. PRES. EX. COUN. MACNAB then moved that Louis Lavoie be committed to prison for 10 days.... He said that he was glad the House had by so large a vote come to the conclusion which it has just arrived at. It now became his duty and that of the House to consider the amount of punishment which ought to be inflicted. If the House were not to stand by the rights and privileges of the people of the country it would be guilty of a crime that would disgrace it throughout the whole world. It had been recommended in the report of the Committee that the House should direct the Attorney General to prosecute these persons before the Courts. He must say that he was very sorry to see the oaths that were at the bottom of the poll books; but notwithstanding he did not desire to inflict very severe punishment. He only wanted to show that on all occasions the House would stand by its privileges and the rights of the people of the country. History informed us how the Commons in England alike stood against Kings and against the violence of the people. The Parliament of Canada could never follow a better example, and he repeated it was with proud satisfaction that he heard the votes just taken. He moved that the said Louis Lavoie be committed to the Common Jail of the County of Quebec for the term of ----- and that the Speaker do issue his warrant accordingly. He did not want his judgment to prevail in the amount of punishment. It was not a party measure; the vote showed that; nor did he want to inflict a vindictive punishment, he had therefore left the term of imprisonment blank in order that the time might be suggested by the House (Cries of ten days.) He wanted to say one word to the members of Lower Canada. Was it no offence to Lower Canada, that a portion of her people had been cheated out of their rights. Was it no offence that 1,000 spurious votes had been recorded, and that all this should be done by the officer of the law sworn to represent the candidate chosen by the will of the country. He moved that the committal be for ten days.<sup>60</sup>



MR. DEWITT said this was a most grave and important question affecting the rights, liberties and prosperity of the people of Canada, and it was not to be trifled with in this way. He did not wish to inflict individual disgrace but he had a duty to perform to show that such things could not be tolerated. If such things might be done in one county they would be done in another, and so in all counties, and for his own part he thought the Returning officers ought to be imprisoned during the rest of the session. Returning officers had been hitherto dealt with with too much leniency (sic), and they had thus been encouraged to go on.<sup>61</sup>

MR. WILSON perfectly agreed with Sir Allan in the expression by the hon. and gallant knight of his sense of the crime which had been committed by this returning officer, but if the offence merited half the vehemence of that censure, the punishment proposed must be looked on as a perfect mockery. If the House was more guarded in the treatment of those who violated its privileges such offences would not be repeated. There was much mawkish sympathy on these occasions, and he would move that the words thirty days be substituted for ten days.<sup>62</sup>

MR. POULIOT thought if it were worthy of the House to assert its privileges, it was still more worthy of it to use its great power leniently; and should do to others as they would that others should do to them. He thought the prisoners had been already sufficiently punished by hearing the speeches that had been made in the House, and that any further punishment was quite unnecessary.<sup>63</sup>

(661)

*Mr. Wilson moved in amendment to the Question, seconded by Mr. Frazer, that the words "ten days" be left out, and the words "thirty days, in case this House shall be in Session so long; and if not in Session so long, then that he be discharged" inserted instead thereof;*

*And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Aikins, Brown, Cooke, Delong, DeWitt, Felton, Ferres, Ferrie, Foley, Frazer, Gould, Macbeth, Mackenzie, McCann, Mattice, Meagher, Munro, Murney, Rankin, Wilson, Yeilding, and Young.--(22.)*

NAYS.

*Messieurs Bell, Bellingham, Biggar, Bourassa, Brodeur, Cameron, Cartier, Casault, Cauchon, Cayley, Chapais, Chauveau, Chisholm, Church, Clarke, Cook, Crysler, Charles Daoust, Jean B. Daoust, Darche, Jean B.E. Dorion, Dostaler, Attorney General Drummond, Dufresne, Thomas Fortier, Gamble, Gill, Guévremont, Hartman, Huot, Laporte, Lemieux, Loranger, John S. Macdonald, Sir A.N. MacNab, Masson, Mongenais, Papin, Patrick, Polette, Poulin, Pouliot, Prévost, Robinson, Solicitor General Ross, James Ross, Sanborn, Scatcherd, Shaw, Solicitor General Smith, Somerville, Spence, Thibaudeau, Turcotte, Valois, and Whitney.--(56.)*

*So it passed in the Negative.*

*Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--*

(661-662)

YEAS.

*Messieurs Aikins, Bell, Bellingham, Biggar, Brodeur, Brown, Cameron, Cartier, Casault, Cauchon, Cayley, Chisholm, Church, Clarke, Cooke, Cook,*

Crysler, Jean B. Daoust, DeLong, DeWitt, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Ferrie, Foley, Frazer, Gamble, Gill, Gould, Guévremont, Hartman, Labelle, Laporte, Lemieux, Loranger, Macheth, Mackenzie, Sir A.N. MacNab, McCann, Mattice, Meagher, Munro, Murney, Patrick, Polette, Rankin, Robinson, Solicitor General Ross, James Ross, Sanborn, Scatcherd, Shaw, Solicitor General Smith, Somerville, Spence, Whitney, Wilson, Yeilding, and Young.--(61.)

(662)

NAYS.

Messieurs Bourassa, Chapais, Chauveau, Charles Daoust, Darche, Jean B.E. Dorion, Thomas Fortier, Huot, Laberge, Marchildon, Pouliot, Prévost, Thibaudeau, Turcotte, and Valois.--(15.)

So it was resolved in the Affirmative.

The Honorable Sir Allan N. MacNab moved, seconded by the Honorable Mr. Attorney General Drummond, and the Question being put, That Edouard Tremblay, Deputy Returning Officer for the Parish of St. Etienne, at the late Election for the County of Saguenay, was privy to the fraudulent and illegal inscribing of names on the Poll-book of the said Parish, and that he has thereby been guilty of a high misdemeanor, and of a gross breach of the privileges of this House; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Bellingham, Biggar, Brodeur, Brown, Cameron, Cartier, Casault, Cauchon, Cayley, Chisholm, Church, Clarke, Cooke, Cook, Crysler, Jean B. Daoust, DeLong, DeWitt, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Ferrie, Foley, Frazer, Gamble, Gill, Gould, Guévremont, Hartman, Labelle, Laporte, Lemieux, Loranger, Macheth, Mackenzie, Sir A.N. MacNab, McCann, Mattice, Meagher, Munro, Murney, Patrick, Polette, Rankin, Robinson, Solicitor General Ross, James Ross, Sanborn, Scatcherd, Shaw, Solicitor General Smith, Somerville, Spence, Whitney, Wilson, Yeilding, and Young.--(61.)

NAYS.

Messieurs Bourassa, Chapais, Chauveau, Charles Daoust, Darche, Jean B.E. Dorion, Thomas Fortier, Huot, Laberge, Marchildon, Pouliot, Prévost, Thibaudeau, Turcotte, and Valois.--(15.)

So it was resolved in the Affirmative.

Mr. Pouliot moved, seconded by Mr. Turcotte, and the Question being put, That this House do now adjourn; the House divided:--And it passed in the Negative.

The Honorable Sir Allan N. MacNab moved, seconded by the Honorable Mr. Attorney General Drummond, and the Question being put, That the said Edouard Tremblay be, for the said offence, committed to the Common Gaol of the District of Quebec, for the term of ten days, and that Mr. Speaker do issue his Warrant accordingly; the House divided: and the names being called for, they were taken down, as follow:--

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YEAS.

Messieurs Aikins, Bell, Bellingham, Brodeur, Brown, Cameron, Cartier, Casault, Cauchon, Cayley, Chisholm, Church, Clarke, Cooke, Cook, Crysler, Jean B. Daoust, DeLong, DeWitt, Dostaler, Attorney General Drummond, Dufresne,

Felton, Ferres, Ferrie, Foley, Frazer, Gamble, Gill, Gould, Guévremont, Hartman, Labelle, Laporte, Lemieux, Loranger, Macbeth, John S. Macdonald, Mackenzie, Sir A.N. MacNab, McCann, Masson, Mattice, Meagher, Mongenais, Angus Morrison, Munro, Murney, Patrick, Polette, Robinson, Roblin, Solicitor General Ross, James Ross, Sanborn, Scatcherd, Shaw, Solicitor General Smith, Somerville, Spence, Whitney, and Wilson.--(62.)

NAYS.

Messieurs Bourassa, Chapais, Chauveau, Charles Daoust, Darche, Jean B.E. Dorion, Thomas Fortier, Huot, Laberge, Marchildon, Pouliot, Prévost, Thibaudeau, Turcotte, and Valois.--(15.)

So it was resolved in the Affirmative.

The Honorable Sir Allan N. MacNab moved, seconded by the Honorable Mr. Attorney General Drummond, and the Question being put, That Antoine Guay, Deputy Returning Officer for the Parish of Ste. Agnès, at the late Election for the County of Saguenay, was privy to the fraudulent and illegal inscribing of names on the Poll-book for the said Parish, and that he has been thereby guilty of a high misdemeanor and of a gross breach of the privileges of this House; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Bellingham, Brodeur, Brown, Cameron, Cartier, Casault, Cauchon, Cayley, Chisholm, Church, Clarke, Cooke, Cook, Crysler, Jean B. Daoust, DeLong, DeWitt, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Ferrie, Foley, Frazer, Gamble, Gill, Gould, Guévremont, Hartman, Labelle, Laporte, Lemieux, Loranger, Macbeth, John S. Macdonald, Mackenzie, Sir A.N. MacNab, McCann, Masson, Mattice, Meagher, Mongenais, Angus Morrison, Munro, Murney, Patrick, Polette, Robinson, Roblin, Solicitor General Ross, James Ross, Sanborn, Scatcherd, Shaw, Solicitor General Smith, Somerville, Spence, Whitney, and Wilson.--(62.)

NAYS.

Messieurs Bourassa, Chapais, Chauveau, Charles Daoust, Darche, Jean B.E. Dorion, Thomas Fortier, Huot, Laberge, Marchildon, Pouliot, Prévost, Thibaudeau, Turcotte, and Valois.--(15.)

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So it was resolved in the Affirmative.

The Honorable Sir Allan N. MacNab moved, seconded by the Honorable Mr. Attorney General Drummond, and the Question being put, That the said Antoine Guay be, for the said offence, committed to the Common Gaol of the District of Quebec, for the term of ten days, and that Mr. Speaker do issue his Warrant accordingly; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Bellingham, Brodeur, Brown, Cameron, Cartier, Casault, Cauchon, Cayley, Chisholm, Church, Clarke, Cooke, Cook, Jean B. Daoust, DeLong, DeWitt, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Ferrie, Foley, Frazer, Gamble, Gill, Gould, Guévremont, Hartman, Labelle, Laporte, Lemieux, Loranger, Macbeth, John S. Macdonald, Mackenzie, Sir A.N. MacNab, McCann, Masson, Mattice, Meagher, Mongenais, Angus Morrison, Munro, Murney, Patrick, Polette, Robinson, Roblin, Solicitor General Ross, James Ross,



Sanborn, Scatcherd, Shaw, Solicitor General Smith, Somerville, Spence, Whitney, and Wilson.--(61.)

NAYS.

Messieurs Bourassa, Chapais, Chauveau, Charles Daoust, Darche, Jean B.E. Dorion, Thomas Fortier, Huot, Laberge, Marchildon, Papin, Pouliot, Prévost, Thibaudeau, Turcotte, and Valois.--(16.)

So it was resolved in the Affirmative.

The Honorable Sir Allan N. MacNab moved, seconded by the Honorable Mr. Attorney General Drummond, and the Question being put, That Michael McCarty, Deputy Returning Officer for the Parish of St. Urbain, at the late Election for the County of Saguenay, was privy to the fraudulent and illegal inscribing of names in the Poll-book of the said Parish, and that he has been thereby guilty of a high misdemeanor, and of a gross breach of the privileges of this House; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Bellingham, Brodeur, Brown, Cameron, Cartier, Casault, Cauchon, Cayley, Chapais, Clarke, Cook, Jean B. Daoust, DeLong, DeWitt, Dostaler, Attorney General Drummond, Felton, Ferres, Ferrie, Foley, Frazer, Gamble, Gould, Guévremont, Hartman, Laporte, Lemieux, Loranger, Macbeth, John S. Macdonald, Sir A.N. MacNab, McCann, Masson, Mattice, Meagher, Angus Morrison, Munro, Murney, Patrick, Polette, Poulin, Robinson, Roblin, Solicitor General Ross, James Ross, Sanborn, Shaw, Solicitor General Smith, Somerville, Spence, and Turcotte.--(53.)

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NAYS.

Messieurs Bourassa, Chauveau, Charles Daoust, Darche, Jean B.E. Dorion, Huot, Laberge, Marchildon, Papin, Prévost, Thibaudeau, and Valois.--(12.)

So it was resolved in the Affirmative.

The Honorable Sir Allan N. MacNab moved, seconded by the Honorable Mr. Attorney General Drummond, and the Question being put, That the said Michael McCarty be, for the said offence, committed to the Common Gaol of the District of Quebec, for the term of ten days, and that Mr. Speaker do issue his Warrant accordingly; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Bellingham, Brodeur, Brown, Cameron, Cartier, Cauchon, Cayley, Chisholm, Clarke, Cook, Jean B. Daoust, DeLong, DeWitt, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Ferrie, Foley, Frazer, Gamble, Gould, Guévremont, Hartman, Labelle, Laporte, Lemieux, Loranger, Macbeth, John S. Macdonald, Mackenzie, Sir A.N. MacNab, McCann, Masson, Mattice, Meagher, Mongenais, Angus Morrison, Munro, Murney, Patrick, Polette, Robinson, Roblin, Solicitor General Ross, James Ross, Sanborn, Shaw, Solicitor General Smith, Somerville, and Spence.--(54.)

NAYS.

Messieurs Bourassa, Chapais, Chauveau, Charles Daoust, Darche, Jean B.E. Dorion, Huot, Laberge, Marchildon, Papin, Poulin, Pouliot, Prévost, Thibaudeau, Turcotte, and Valois.--(16.)

So it was resolved in the Affirmative.



Mr. Turcotte moved, seconded by Mr. Pouliot, and the Question being proposed, That leave, for a fortnight, be given to John McLaren to produce witnesses in support of his defence;

On motion of the Honorable Sir Allan N. MacNab, seconded by the Honorable Mr. Attorney General Drummond, the words "and that in the mean time the said John McLaren remain in the custody of the Serjeant-at-Arms" was added at the end of the Question.

Then the main Question, so amended, being put;

Ordered, That leave, for a fortnight, be given to John McLaren to produce witnesses in support of his defence, and that in the mean time the said John McLaren remain in the custody of the Serjeant-at-Arms.

Then, on motion of the Honorable Mr. Attorney General Drummond, seconded by the Honorable Sir Allan N. MacNab,

The House adjourned until Monday next.

FOOTNOTES: 9 MARCH 1855.

1. MORNING CHRONICLE, 12 March 1855.
2. GLOBE, 19 March 1855.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. LE PAYS, 15 March 1855.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. GLOBE, 19 March 1855.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. MORNING CHRONICLE, 12 March 1855.
28. GLOBE, 19 March 1855.
29. IBID.
30. IBID.
31. IBID.
32. TORONTO DAILY LEADER, 16 March 1855. This figure of "1200 legal voters" differs from the count provided in GLOBE, 19 March 1855. It is useful to note that TORONTO DAILY LEADER, 16 March 1855, is a commentary and not a news report.
33. GLOBE, 19 March 1855.
34. IBID.
35. IBID.
36. LE PAYS, 15 March 1855.
37. IBID.
38. IBID.
39. GLOBE, 19 March 1855.
40. IBID.
41. IBID.
42. LE PAYS, 15 March 1855.
43. MORNING CHRONICLE, 12 March 1855. This newspaper notes that Mr. Chauveau spoke in French here (see footnote 57) and a lengthy version of the speech is reported in LE PAYS, 15 March 1855. MORNING CHRONICLE summarizes his speech and several of these English remarks have been edited into LE PAYS, 15 March 1855, as they add to the French account.

44. LE PAYS, 15 March 1855.
45. IBID.
46. IBID.
47. IBID.
48. MORNING CHRONICLE, 12 March 1855.
49. LE PAYS, 15 March 1855.
50. IBID.
51. IBID.
52. MONTREAL GAZETTE, 13 March 1855. TORONTO DAILY LEADER, 16 March 1855, adds in its commentary that: "It [Sir A.N. MacNab's speech] elicited, as did that of Mr. Drummond, the heartiest cheers from the Upper Canada section of the Opposition."
53. LE PAYS, 15 March 1855.
54. MORNING CHRONICLE, 12 March 1855. This newspaper places Mr. Cameron's speech immediately after Mr. Drummond's speech and reports that he "... followed with similar arguments." LE PAYS, 15 March 1855, however, has Mr. Laberge following Mr. Drummond and alluding to certain of his remarks. Which member spoke after Mr. Drummond cannot be determined.
55. HAMILTON SPECTATOR, 21 March 1855.
56. MORNING CHRONICLE, 12 March 1855.
57. IBID.
58. IBID.
59. LE PAYS, 15 March 1855.
60. MORNING CHRONICLE, 12 March 1855. In a commentary TORONTO DAILY LEADER, 16 March 1855, states that: "Sir Allan MacNab, as the leader of the House, took the chief part in the judicial investigation.... It [his speech] elicited, as did that of Mr. Drummond, the heartiest cheers from the Upper Canada section of the Opposition."
61. MORNING CHRONICLE, 12 March 1855.
62. IBID.
63. IBID.

MONDAY, 12 MARCH 1855.

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THE Serjeant-at-Arms attending this House reported, That in obedience to Mr. Speaker's warrant, he had lodged the bodies of Michael McCarty, Edouard Tremblay, and Louis Lavoie, in the Common Gaol of the District of Quebec; and also, that on removing the Prisoners from the Bar, on Saturday morning last, Antoine Guay, one of the number, escaped from his custody, and was still at large.

Mr. Speaker acquainted the House, That he had a Notice served upon him this day, on the part of Louis Lavoie, one of the Prisoners confined in the Common Gaol (sic) of the District of Quebec, under the warrant issued by him on the 10th instant, of an application by the said Louis Lavoie, to the Court of Queen's Bench and to the Superior Court for Lower Canada, for a Writ of Habeas Corpus ad subjiendum, together with copies of the Petition of the said Louis Lavoie, and other Documents in support of the said application.

MR. BROWN enquired whether the attention of the Law Officers of the Crown had been directed (sic) to this communication.<sup>1</sup>

MR. PRES. EX. COUN. MACNAB said he had only heard of it this moment for the first time.<sup>2</sup>

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Mr. Speaker laid before the House,--Returns from the Sheriffs of the County of Simcoe, and United Counties of York and Peel, received in pursuance of the Order of the House of the 8th November last.

For the said Returns, see Appendix (A.A.A.)

The following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Hincks,--The Petition of Colonel Thorndike, of the Royal Artillery, President of the Canada Military Asylum, and others, Members of the Acting Committee of the said Asylum.

By Mr. Solicitor General Smith,--The Petition of John Newman and others, of the Township of Ernestown, United Counties of Frontenac, Lenox and Addington.

By the Honorable Mr. Young,--The Petition of the Directresses and Lady Managers of the University Lying-in Hospital of Montreal; and the Petition of the Corporation of St. Mary's College of Montreal.

By the Honorable Mr. Rolph,--The Petition of the Municipal Council of the County of Norfolk.

By Mr. Clarke,--The Petition of the Municipality of the Village of Preston, in the County of Waterloo.

By the Honorable Sir Allan N. MacNab,--The Petition of the Right Reverend the Lord Bishop of Quebec, and the Reverend John Cook, Minister of St. Andrew's Church, Quebec, on behalf of the Trustees of the Protestant Burying Ground in St. John Street, in the Suburbs of Quebec.

By the Honorable Mr. Robinson,--The Petition of the Municipal Council of the County of Simcoe.

By Mr. Loranger,--The Petition of the Corporation of the College of Chambly.

By Mr. Rankin,--The Petition of John Prince, Esquire, and others, of the Township of Sandwich, County of Essex.

By Mr. Patrick,--The Petition of Prescott Division, No. 15, of the Order of the Sons of Temperance.



By Mr. Darche,--The Petition of Joseph L'Heureux and others, of the Parish of St. Bruno, County of Chambly, Censitaires.

By Mr. Bureau,--The Petition of Jean Baptiste Gervais and others, of the Parish of St. Isidore, County of Laprairie, Censitaires.

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By Mr. Cooke,--The Petition of James Kelly and others, of the Township of Russell; and the Petition of W. Winder, Esquire, Librarian to the Legislative Assembly.

By Mr. Mattice,--The Petition of Angus A.C. McMillan and others, of the United Counties of Stormont, Dundas, and Glengarry.

By Mr. Matheson,--The Petition of Jesse Delong, Esquire, and others, of the Village of Washington and its vicinity; and the Petition of the Municipal Council of the County of Oxford.

By Mr. Biggar,--The Petition of Samuel Fisher and others, of the Village of Mount Pleasant.

By Mr. Daly,--The Petition of the Municipal Council of the County of Perth.

By the Honorable Mr. Merritt,--The Petition of the Niagara District Bank; the Petition of the Municipality of the Township of Louth; and the Petition of the London Hotel Company.

By the Honorable Mr. Cauchon,--The Petition of the Reverend A. Gosselin and others, of St. Jean and other Parishes on the Island of Orleans.

By the Honorable Mr. Cartier,--The Petition of the Reverend E. Durocher, Curé, and others, of the Parish of Beloeil.

Pursuant to the Order of the day, the following Petitions were read:--

Of E.J. Adams, Mayor, and G.J. Hamilton, Secretary, on behalf of a public meeting of the inhabitants of the Town of St. Catherines; of J. Woolverton and others, of the Township of Grimsby; of John Cochran and others; of Prince Albert Division, No. 39, of the Order of the Sons of Temperance; of George Barber and others, of the District of Johnstown; and of the Municipality of the Township of Townsend, County of Norfolk; praying for the passing of a Prohibitory Liquor Law.

Of Alexander Cameron and others, of the Township of Lochaber, County of Ottawa; praying that the Bill to prevent the traffic in Intoxicating Liquors may become Law.

Of the Municipal Council of the County of Essex; praying for a Charter to construct a Railroad from Amherstburg to St. Thomas.

Of P.O.C. Dupuy, of the Parish of St. Paschal, County of Kamouraska, Merchant; and of Jean Thomas Béchard, of the Parish of St. Louis de Kamouraska, Notary; praying to be indemnified for expenses incurred in obeying the Order of this House of the 4th December last.

Of William Kidd and others, of the Township of Oxford, County of Grenville; and of the Municipality of the Township of Oxford, County of Grenville; praying that no alteration or separation may be effected with respect to the boundaries of the said Township of Oxford.

Of Mrs. Lucie Bouchette, widow of the late Frederick Rolette, of the Parish of St. Jean Baptiste de Nicolet; representing that the Pension at present allowed her by Government is insufficient for her wants, and praying relief.

Of the Very Reverend F.G. Loranger, V.G., and others, members of the Séminaire de Nicolet; praying for aid in behalf of the said Institution.

Of the Reverend J.O. Prince and others, of the Parish of St. Norbert d'Arthabaska; praying that the "Pointe d'Arthabaska" may not be annexed to the District of Quebec.

Of Levi Fowler and others, of the County of Elgin; praying for certain amendments to the Division Courts Act of 1850.

Of the Municipal Council of the County of Elgin; praying for certain amendments to the School Act of Upper Canada.

Of Antoine R. Laflèche and others, of the Parish of Ste. Anne, in the County of Champlain, Censitaires; praying for certain amendments to the Seigniorial Tenure Act.

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Of the Municipality of the Township of Wainfleet; praying for certain amendments to the General Railway Act.

Of James Sampson, M.D., and others, Medical Practitioners of the City of Kingston; praying for an aid for the erection of a building for the use of the Medical School in the said City.

Of the City of Kingston Water Works Company; praying for the passing of an Act to increase the Capital Stock of the said Company.

Of the Reverend P.M. Mignault, Curé of Chambly; praying for aid to complete the Chambly College.

Of the Reverend P.M. Mignault, President, and others, School Commissioners of the Parish of Chambly; representing that they have purchased property for the use of the School of the said Parish, and praying for an aid to assist them in paying for the same.

Of the Reverend J.D. Deziel and others, of the Parish of Notre Dame de la Victoire, County of Dorchester; praying for an aid in behalf of a College in the said Parish.

Of the Very Reverend Edouard Joseph Crevier, V.G., and Curé of Ste. Marie de Monnoir; representing that he has purchased a property and erected a building for the instruction of persons intended to become public teachers, and for the reception of infirm poor; and praying for an Act to authorize him to transfer the said property and building to five Ladies to be incorporated as a Civil Corporation, under the style and title of La Communauté des Dames de la Providence de St. Hyacinthe.

Of the Montreal Dispensary; praying for an aid.

Of the Reverend T.B. Pelletier and others, of the Parish of Terrebonne, proprietors of the College Masson; praying for aid in behalf of the said Institution.

Of the Reverend L. Proulx and others, of Ste. Marie and other places in the County of Beauce; praying for an aid to complete the building of, and to support an Academy for the education of young girls.

Of the Right Reverend the Bishop of Three Rivers and others, members of the School Committee of the Town of Three Rivers; praying for an aid to repair the School House.

Of Charles Symmes and others, of the County of Ottawa; representing that they are desirous of forming themselves into a body corporate for the purpose of building an Academy in the Village of Aylmer in the said County; and praying for an Act of Incorporation.

Of the Very Reverend Edouard Crevier, V.G., and Curé of Ste. Marie de Monnoir; praying for an aid for the College in the said Parish.

Of Jean Marie Leclerc and others, of the Parish of St. Patrice de la Rivière du Loup, County of Temiscouata; praying an aid to complete a Bridge over the River du Loup.

Of Augustin Morin and others, District of Kamouraska; praying payment for the amount for which they were taxed as Witnesses before the Commission for the trial of the Contested Election for the County of Kamouraska.

Of Robert Gillespie and others, of the County of Rouville; representing that they have been appointed Trustees for the purpose of establishing an Academy in the said County; and praying for an Act of Incorporation, and also for aid.

Of James Powles, Speaker, and others, the Chiefs and Sachems of the Six Nations of Indians residing on the Grand or River Ouse; praying that the Act 13 [&] 14 Vic. cap. 74, may not be repealed.

On motion of the Honorable Sir Allan N. MacNab, seconded by Mr. Solicitor General Smith,

Ordered, That the Petition of the Right Reverend the Lord Bishop of Quebec, and of the Reverend John Cook, Minister of St. Andrew's Church, Quebec, on

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behalf of the Trustees of the Protestant Burying Ground in St. John's Street, in the Suburbs of Quebec, be now received and read, and the Rules of this House suspended as regards the same.

And the said Petition was received and read; representing that the Petitioners are liable for a certain amount upon the said ground; and praying, that in any Bill forbidding Interment within the said City, provision may be made for suitable compensation to all those whose rights may thereby be injuriously affected.

Ordered, That the Petition of Alfred A. Baker and others, Clerks of Division Courts in the County of Wellington; and the Petition of Levi Fowler and others, of the County of Elgin, be referred to the Select Committee to which was referred the Bill to extend the Jurisdiction of the Division Courts in Upper Canada.

Ordered, That the Petition of Townsend Division, No. 141, of the Order of the Sons of Temperance, be referred to the Select Committee on Temperance.

Mr. Marchildon moved, seconded by Mr. Darche, and the Question being put, That the Petition of Antoine R. Laflèche and others, of the Parish of Ste. Anne, in the County of Champlain, Censitaires, praying for certain amendments to the Seigniorial Tenure Act, be printed for the use of the Members of this House; the House divided:--And it passed in the Negative.

The Honorable Mr. Cameron, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the East Riding of the County of Brant, informed the House, That the Committee had determined,

That Daniel McKerlie, Esquire, the Sitting Member, was not duly elected to represent the East Riding of the County of Brant at the last General Election.

That Davie Christie, Esquire, had the majority of legal votes at the said Election, and ought to have been returned as a Member to represent the said Riding at the said Election.

That neither the Petition nor the Defence is frivolous or vexatious.

And the said Determinations were ordered to be entered on the Journals of this House.

On motion of the Honorable Mr. Cameron, seconded by Mr. Crawford,

Ordered, That the Clerk of the Crown in Chancery do attend this House forthwith, with the last Return for the East Riding of the County of Brant, and amend



the same by erasing the name of "Daniel McKerlie" and inserting the name of "David Christie" instead thereof.

The Clerk of the Crown in Chancery attended according to Order, and amended the Return for the East Riding of the County of Brant.

David Christie, Esquire, Member for the East Riding of the County of Brant, having previously taken the Oath according to Law, and subscribed before the Commissioners the Roll containing the same, took his seat in the House.

The Honorable Mr. Cameron, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Twenty-second Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to incorporate the Congregation of the Catholics of Quebec speaking the English language, and have agreed to certain amendments, which they submit for the consideration of Your Honorable House.

They have also examined the following Bills, and beg leave to report the same, without amendment, viz:--

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Bill to vest in Edward Shortis, of Toronto, Esquire, the Road or Concession allowances between Lots numbers fifteen and sixteen in the sixth Concession of the Township of Thorah:

Bill to authorize the Court of Chancery and the Courts of Queen's Bench and Common Pleas in Upper Canada to admit Bartholomew Galvin to practise as an Attorney.

While reporting favorably upon the last mentioned Bill, the Committee would at the same time beg leave to recommend to Your Honorable House the passing of an Act to provide for the admission to practise in this Province, of all persons duly admitted as Attorneys of the Courts in Great Britain, Ireland, or any of the British Colonies, upon fying due proof of such admission, and to repeal the present Law which requires from such persons a service of three years under Articles in this Province, before they are admitted to practise.

Ordered, That the Bill to incorporate the Congregation of the Catholics of Quebec speaking the English language, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Wednesday next.

Ordered, That the Bill to vest in Edward Shortis, of Toronto, Esquire, the Road or Concession allowance between Lots numbers fifteen and sixteen in the sixth Concession of the Township of Thorah, be read the third time To-morrow.

Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill to amend the Law for the admission of Attorneys and Solicitors to practise in the Superior Courts of Law and Equity in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Alleyn have leave to bring in a Bill to incorporate the St. Lawrence Assurance Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That the Returns from Sheriffs of Counties in Upper Canada, and Districts in Lower Canada, and also, from Police Magistrates of Cities and Towns



*in the Province, laid before the House on the twenty-sixth of February last, be referred to the Select Committee on Temperance.*

Sur motion de MR. MACBETH,<sup>3</sup>

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*Ordered, That the Petition of the Municipal Council of the County of Elgin, be printed for the use of the Members of this House.*

*Ordered, That Mr. Patrick have leave to bring in a Bill to incorporate the Imperial Fire and Marine Insurance Company.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That the Return relative to Emigration, presented on Wednesday last, be printed for the use of the Members of this House.*

MR. BUREAU propose la nomination d'un comité spécial pour prendre en considération le rapport maintenant devant cette chambre touchant certaines difficultés entre le seigneur de la seigneurie de Beauharnais, et certains habitants des comtés d'Hu[n]tingdon et Chateauguay relativement à un morceau de terre en litige entre le seigneur de Beauharnais et les dits habitants; avec pouvoir d'envoyer quérir personnes, papiers et records, et de faire rapport à cette chambre de tems en tems; le dit comité devant être composé de MM. Somerville, Masson, DeWitt, Wilson et le moteur.<sup>4</sup>

MR. AT. GEN. DRUMMOND demande au moteur quel est son intention en proposant ce comité.<sup>5</sup>

MR. BUREAU.--L'objet de cette résolution est pour la nomination d'un comité qui sera chargé de faire un rapport au sujet de plusieurs mille acres de terre que j'ai raison de croire qu'on a soustraits au domaine public. L'étendue de ce territoire est au-delà de 32,000 acres, situé partie dans le comté d'Huntingdon et partie dans le comté de Chateauguay. C'est le seigneur de la seigneurie de Beauharnais qui veut accaparer ce territoire. Et partie de ce territoire est maintenant occupée par plus de 400 familles--l'autre partie n'est pas occupée. Le seigneur cherche à se faire connaître comme propriétaire de ce terrain et il a déjà fait prendre des titres à un grand nombre de ces familles, auxquelles il a fait payer des terres jusqu'à dix piastres l'arpent en superficie; car les terres qui sont occupées ont beaucoup de valeur, les habitants les ont mis[es] en état de culture, y ont érigé des maisons, des granges et autres bâtisses, et ils préfèrent le plus souvent se soustraire à une poursuite vexatoire, que de risquer un procès dont ils ne verraient probablement pas la fin.

Le principal fait que je voulais constater était de savoir si le seigneur n'a point acquis ou non par lettres patentes le territoire en question?

Le premier document de l'adresse maintenant devant cette chambre est le titre de concession qui accorde au marquis de Beauharnais, le 12 avril 1729 à titre de fief et seigneurie, une étendue de terre de six lieux quarrées. Maintenant cette seigneurie ne doit plus avoir cette étendue, car en référant au document 6e de cette adresse, qui est un rapport de l'arpenteur général de cette province en date du 13 novembre 1820, il est établi que la ligne de l'ouest de cette seigneurie n'ayant que 5 lieues et 64 perches, au lieu de 6 lieues, on accorda comme compensation au seigneur de Beauharnais 4,000 arpents de terre dans le township de Clifton (mais il paraît que le seigneur a été plus heureux,

car il a eu 80,000 arpents de terre.) Le seigneur de Beauharnais a donc fait un échange avec le gouvernement en considération du déficit qui doit se trouver dans cette ligne.

Ce rapport du 13 novembre 1820 constate aussi un excédant de 16,000 acres de terre que le seigneur de Beauharnais possédait de plus que ne lui en accorde son titre primitif en date du 12 avril 1729. Ce rapport se trouve aussi mentionné dans une lettre de l'arpenteur général au Lt. Col. Yorke, alors secrétaire civil. Je réfère au 7e document de l'adresse déjà mentionnée.

Le 8e document en date du 14 mars 1830 fait un exposé fidèle des erreurs qui ont fait accaparer au seigneur de Beauharnais 16,000 arpents de terres joignant le township de Hemmingford outre un surplus joignant les townships de Hinchinbrooke et Godmanchester. Le tout doit faire, comme je viens de le dire, au-delà de 32,000 arpents de terre--si je dois m'en rapporter au rapport des deux arpenteurs jurés MM. Barette et Lalaune.

Je ne suivrai pas toute la correspondance qui a eu lieu entre le gouvernement et les habitants qui occupent ces terres; le simple exposé des faits suffira. Maintenant il me suffira de dire que le document 19e doit prouver clairement qu'en effet le seigneur de Beauharnais a voulu soustraire un territoire qui ne lui appartient point, car après une vigoureuse contestation devant un tribunal judiciaire, la Cour du Banc de la Reine du district de Montréal décide que le terrain en litige est hors des limites de la seigneurie de Beauharnais, dans une cause du seigneur de Beauharnais contre John Manning de Russeltown. Je réfère aussi à l'affidavit de M. Barette, ou des arpenteurs de cette province, qui a exploré les limites de la seigneurie de Beauharnais et le territoire en litige dans la cause de Manning. Cet affidavit fait partie du 66e document.

Le 10 avril 1831 une requête de James Duncan et de 421 autres pétitionnaires sollicite de nouveau le règlement de la question du terrain en litige. C'est le document 11e de l'adresse.

Le 23 mai 1831, un rapport du conseil exécutif avise Son Excellence de ne pas faire droit à cette pétition, tel que constaté par le document 15e de ce rapport, s'appuyant d'un procès verbal d'arpenteurs du 24 septembre 1830 de MM. Stevens et Arcand. Je remarquerai que le conseil exécutif n'avait probablement pas lu ce procès verbal avec attention, puisque ce procès verbal n'est intervenu que pour régler certaines difficultés entre la Couronne et le Clergé protestant d'une part, et le seigneur de la seigneurie de Beauharnais, de l'autre part; car, ce procès verbal n'a d'autre objet "que de renouveler et retracer la ligne de division entre Beauharnais et Hemmingford telle que tirée et établie par M. Kilbourn en 1793-94." Voyez le document 11e de ce rapport.

MM. Arcand et Steven n'avaient donc point d'autre pouvoir que de relever une vieille ligne que le rapport de l'arpenteur général déjà cité en date du 14 mars 1830 déclare incorrecte.

Comme il est facile de le voir, le gouvernement n'a pas encore disposé du territoire en litige.

Le 10 mai 1833, en vertu de l'acte impérial 6 George IV., chap. 54, le seigneur de Beauharnais obtient une tenure et franc et commun soccage des terres de sa seigneurie non encore concédé[e]s.

Le seigneur de Beauharnais crut l'occasion favorable pour accaparer le terrain en litige, mais les lettres de commutation n'ont pu et ne peuvent obtenir cet objet puisqu'elles ne font mention que des terres non concédées dans les limites de la seigneurie de Beauharnais. Il n'en pouvait être autrement aux termes de l'acte impérial déjà cité.

Cependant il ne sera peut-être pas sans importance de dire ici que le seigneur de Beauharnais ou le gouvernement en donnant la description de la seigneurie de Beauharnais dans le titre de commutation décrit les limites de cette seigneurie dans onze différents lots et le (sic) fait comprendre une étendue de terrain plus considérable que n'en donne le titre primitif.

Mais ce qu'il y a de plus ingénieux est un rapport péniblement élaboré du conseil exécutif en date du 21 décembre 1832 qui finit par conclure qu'il ne peut point y avoir de terrain appartenant à la Couronne, parce que le gouvernement a déjà donné 6,600 acres de terre au seigneur de Beauharnais pour un déficit qui s'est trouvé dans cette seigneurie. Voyez le document 40 de ce rapport. En 1832, le gouvernement exécutif voulait bien croire qu'il y eut un territoire très important appartenant au domaine public.

Peu de temps après l'obtention des lettres de commutation, le seigneur de Beauharnais, croyant avoir acquis un nouveau territoire, s'adresse au gouvernement pour obtenir l'intervention de la Couronne pour expulser certains propriétaires qui occupaient le territoire en litige et spécialement le nommé John Manning, qui avait établi qu'il était hors des limites de la seigneurie de Beauharnais, par le jugement dont j'ai déjà fait mention. Cette requête est le 49e document de l'adresse. Quel fut le résultat de cette adresse? C'est que dans le mois de septembre 1843 Son Excellence en réponse à cette pétition dit que le seigneur de Beauharnais par son titre de commutation n'a pas droit à plus de terrain que ne lui en accorde son titre primitif. Voyez documents 50-51.

Le document 55e de l'adresse est une lettre très naïve en date du 27 juillet 1846, de la part de l'agent du seigneur qui informe le gouvernement que la description de la seigneurie de Beauharnais dans le titre de commutation comprend tout le territoire en litige, et sollicite le gouvernement de déclarer qu'il n'a aucune prétention au territoire en litige, vu que les habitants de ce territoire, une fois assurés qu'ils ne paieraient pas deux fois, reconnaîtraient le seigneur de Beauharnais, et que la difficulté serait définitivement réglée. Si l'exécutif consentit à une pareille proposition ça n'eût pas l'effet désiré par le seigneur de Beauharnais, car les nouvelles persécutions du seigneur susciterent de nouvelles représentations de la part des familles persécutées par le seigneur. Le seigneur pressa activement l'intervention du gouvernement que lord Metcalf avait justement refusée au seigneur, pour les motifs mentionnés dans la lettre du secrétaire provincial. Enfin ce ne fut que le 20 octobre 1852 que le seigneur de Beauharnais obtint l'intervention de la couronne. Le droit d'intervention fut donc accordé au seigneur, au nom de la couronne, mais la couronne, bien entendu, ne veut point être tenue à aucun prix et se réserve le droit d'être consultée avant l'institution d'aucune action. Voyez le document 70e, ce droit d'intervention ne doit s'exercer que pour la seigneurie de Beauharnais d'après le titre primitif de propriété.

M. l'Orateur, il résulte de l'ensemble des documents de cette adresse que le seigneur de Beauharnais s'est approprié illégalement le terrain en litige--puisque l'existence de ce territoire est incontestable et que le seigneur n'a pas de titre translatif de propriété pour ce territoire--ou que l'exécutif par motif de libéralité, ou par ignorance des faits n'a pas jugé à propos de s'occuper de ce territoire qui se trouve soustrait au domaine des terres publiques pour le profit du seigneur de Beauharnais.<sup>6</sup>

MR. AT. GEN. DRUMMOND dit qu'il voit que l'hon. membre veut faire régler une question en litige entre les seigneurs de Beauharnais et les censitaires, pendant que cette question est pendante devant les cours de justice: par conséquent la chambre n'a pas le droit de se subs[tituer aux cours et ne doit pas



nommer ce comité. Ceux qui se sont établis sur les terres en litige veulent obtenir un titre de propriété, mais il n'appartient pas à l'exécutif de se mêler de cette affaire, parce que la couronne a déjà déclaré depuis plusieurs années qu'elle ne réclamait aucun droit à ces terres. Il ne veut pas d'un comité qui interviendra dans les affaires des tribunaux. Si l'hon. membre pour Napierville peut prouver, comme il le dit, que ces terres appartiennent à la couronne, qu'il aille devant les tribunaux et qu'il fasse sa preuve. Cela règlera l'affaire. Mais comme ce n'est qu'une question de limites qui est en jeu, la chambre ne doit pas s'en occuper.<sup>7</sup>

MR. BUREAU convient que la chambre ne doit pas intervenir dans les affaires pendantes devant les cours de justice, entre les censitaires et les seigneurs de Beauharnais,--mais comme il y a un grand nombre de ces terres qui ne sont pas occupées, il veut savoir s'il faut les laisser aux seigneurs. C'est pour cela aussi qu'il veut nommer un comité. Si le gouvernement veut lui donner le droit de poursuivre au nom de la couronne, il le fera à ses propres frais, mais aujourd'hui les habitants de ces localités n'ont pas le droit de poursuivre, ni de faire faire l'arpentage par les seigneurs. Si le gouvernement ne craint pas l'enquête dans cette affaire, pourquoi la refuser?<sup>8</sup>

MR. DEWITT parle en faveur de la motion.<sup>9</sup>

MR. J.S. MACDONALD se prononce en faveur de la motion, afin que le comité puisse faire un rapport qui aura l'effet de faire intervenir la couronne, si elle a droit à ces terres, en poursuivant les seigneurs de Beauharnais pour les recouvrer. Il trouve étonnant que cette affaire soit devant les tribunaux depuis si longtemps sans être décidée. Puisque la couronne a déclaré en 1843, comme on le voit par l'un des documents, que les seigneurs n'avaient pas droit à ces terres, pourquoi les leur laisser? La chambre a le droit de savoir si ces terres appartiennent aux seigneurs de Beauharnais ou à la couronne, et en conséquence il votera pour la nomination du comité.<sup>10</sup>

MR. SOL. GEN. D. ROSS parle contre la motion, parce que la couronne n'a rien à voir dans cette affaire; les terres appartiennent au seigneur et non à la couronne. Cela a été décidé par un arpentage qui a été fait par le seigneur et la couronne.<sup>11</sup>

MR. PAPIN.--Le solliciteur-général et le procureur-général nous disent que la couronne n'a rien à faire dans cette question; elle n'est donc pas intervenue?<sup>12</sup>

MR. AT. GEN. DRUMMOND explique que le seigneur a eu la permission d'intervenir au nom de la couronne, afin de faire garantir les titres de ces terres à ceux à qui ils appartiennent. Il répète que les terres appartiennent au seigneur. Il sait que cette opinion est contraire à celle qui fut exprimée par la couronne en 1848, mais c'est qu'elle était alors mal fondée. Il a été dans le temps consulté sur cette affaire comme avocat, et c'est pour cela qu'il s'est abstenu de faire un rapport depuis qu'il est au gouvernement. Il est bien d'avis que ces 40,000 arpents de terres appartiennent au seigneur de Beauharnais, parce que les avocats étaient de cet avis, et la couronne n'a rien à y voir.<sup>13</sup>

MR. PAPIN pense qu'il ne s'agit pas de décider du droit de propriété, mais que le but de l'hon. membre pour Napierville est seulement de savoir si ces terres appartiennent à la couronne ou au seigneur, et le gouvernement ne peut pas s'opposer à ce que la chambre fasse une enquête pour s'en assurer. L'hon.



procureur-général prétend que ces terres appartiennent au seigneur. Dans ce cas, quel mal y aurait-il à s'en enquérir et de faire faire un arpentage qui réglerait la question? Si le comité le recommande, on fera faire un arpentage, et on viendra peut être par ce moyen à faire décider à qui ces terres appartiennent. Le comité n'aura pour but que de décider si la couronne n'a pas un intérêt dans cette affaire, et non pas de décider du droit de propriété entre le seigneur et les occupants du terrain en litige.<sup>14</sup>

MR. LORANGER se prononce contre la motion parce que c'est une question de limites, et que le comité ne pourra jamais la régler, et aussi parce que l'affaire est devant les tribunaux.<sup>15</sup>

MR. TURCOTTE dit que même dans le cas où ce ne serait qu'une question de limites, le comité devrait encore être nommé, parce que les habitants des terres en litige n'ont pas le droit de forcer le seigneur à faire faire un arpentage, tandis que la couronne a ce droit. Il y a eu un tems où les seigneurs de Beauharnais avaient beaucoup d'influence, puisqu'ils ont pu faire passer une ligne là où ils ont voulu, et il paraît qu'ils en ont encore beaucoup, puisque le gouvernement déclare aujourd'hui qu'ils ont un droit qui leur a toujours été nié. Le comité déterminera si ces seigneurs ont droit à ces terres, et ce sera un grand point de gagné, parce que cela mettra une fin à la persécution qui se poursuit depuis si longtemps contre les habitants de St. Jean-Chrysostôme--et cela serait une raison suffisante pour le faire nommer. Dans tous les cas, il ne peut résulter aucun dommage de la nomination de ce comité, mais il ne peut en résulter que du bien; en conséquence il votera en faveur de la motion.<sup>16</sup>

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*Mr. Bureau moved, seconded by Mr. Valois, and the Question being put, That the Return relative to a tract of land in dispute between the Inhabitants of Russelltown and the Seignior of Beauharnois, presented on the seventh of November last, be referred to a Select Committee, composed of Mr. Somerville,*

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*Mr. Masson, Mr. DeWitt, Mr. Wilson, and the mover, to report thereon with all convenient speed; with power to send for persons, papers and records; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Aikins, Bourassa, Brown, Bureau, Chauveau, Christie, Cooke, Daly, Darche, DeWitt, Antoine A. Dorion, Dufresne, Fergusson, Ferrie, Foley, Thomas Fortier, Frazer, Galt, Hartman, Huot, Jobin, Laberge, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Masson, Mattice, Merritt, Munro, Murney, Papin, Poulin, Prévost, Rolph, Scatcherd, Turcotte, Valois, Wilson, Wright, and Young.--(41.)*

NAYS.

*Messieurs Bell, Bellingham, Biggar, Brodeur, Cameron, Cartier, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Cook, Crawford, Crysler, Delong, Desaulniers, Dionne, Attorney General Drummond, Felton, Octave C. Fortier, Gamble, Gould, Hincks, Laporte, LeBoutillier, Lemieux, Loranger, Lumsden, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, Matheson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, O'Farrell, Patrick, Powell, Rankin, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Southwick, Spence, Stevenson, Whitney, and Yeilding.--(54.)*

*So it passed in the Negative.*

*Ordered, That Mr. Guévremont have leave to bring in a Bill to exempt County Municipalities from all charges and taxes for the maintenance of Public Roads within the limits of the Municipalities of Incorporated Towns, Boroughs, and Villages.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the twenty-sixth instant.*

*Ordered, That Mr. LeBoutillier have leave to bring in a Bill to establish a Registry Office at the Port of Amherst, in the Magdalen Islands, in the County of Gaspé.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Alleyn have leave to bring in a Bill to amend the Law of Evidence in Lower Canada.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

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*On motion of the Honorable John Sandfield Macdonald, seconded by Mr. Hartman,*

MR. J.S. MACDONALD (Glengarry) in moving for this address desired to bring under the notice of the House and of the country, as well the particular transaction to which the motion has relevance (sic), as the charge which rumour says has been adopted in the Crown Land Department in relation to a certain rejected land claim, of which the one under notice may be regarded as the first recognition, for many years past, by the Executive Council, of the class adverted to. It would appear that one Oliver Everts about the year 1795, obtained a patent for 500 acres of land in Upper Canada, for services in the Commissariat Department. In 1798 he applied for 1,500 acres more as a settler, which was ordered to him at 6s. sterling per acre,<sup>17</sup> [OR] at 7s. an acre<sup>18</sup>, and £1 4s. for each 200 acres for surveying fees.<sup>19</sup> (Cries of "7s. an acre!") Yes, and the question was not so much as to that 1500 acres, but whether claims which were assumed to be dead should be renovated again and made on the Province of from 150,000 to 200,000 acres of land to settle them.<sup>20</sup> Nothing more was done till about 1820<sup>21</sup> [OR] till 1824,<sup>22</sup> when the application was again renewed, but no actual location was made. In 1834, George Everts, son of Oliver, petitions that 1,500 be located in the name of his father, in order that he might claim it under the Heir and Devise Commission. He could not say what was done on this application<sup>23</sup>. The claim passed from the son of Eberts (sic), to Mr. H. Sherwood, and then to Mr. C. Gamble.<sup>24</sup> In 1844, Clarke Gamble, Esq. of Toronto, as assignee of George Everts, petitions the Draper Administration, under Lord Metcalfe, to have the claim recognized with a view to convert the same into scrip or land. It would appear that by a report of a committee of the Executive Council the claim was rejected as entirely inadmissible; and so rested the case until the advent of the present administration, and now it would seem that the repudiated claim has been recognized within the past few days, and that Mr. Gamble is permitted to purchase any lands belonging to the Crown in this province at the price of one shilling per acre (Hear, hear.)<sup>25</sup>

MR. BROWN.--Surely the honourable member is mistaken; not at a shilling!<sup>26</sup>

[MR. J.S. MACDONALD continued:] Yes--that is the decision of the Executive as he (Mr. Macdonald) has been informed. Having stated the case this far, he desired to explain that the Land Act of 1841, which authorized the conversion of land claims into scrip, had for its object the complete shutting out of unlocated rights such as Mr. Gamble's, and admitted only those belonging to the militia, United Empire Loyalists and the military, provided they were filed and made before the 1st January, 1843 and not otherwise. It was, therefore, when the operation of this act was well understood by its framer, Judge Draper, that, in 1844, his claim was rejected--and claims such as that of Oliver Everts, founded on an order in Council, attaching certain conditions which were never carried out, ought not, after 45 years, to be regarded as entitling the assignee to either scrip or land, and the Legislature merely enacted the law which excluded such claims. He would take leave to call the attention of the House to the Land Act of 1853 the third section of which provided "that hereafter, no claim for land, not now actually located shall be entertained, whether arising from militia, United Empire Loyalists or military rights," and then ask how in the face of this positive prohibitory clause, the Government took upon themselves to recognize the claim of Mr. Gamble as entitled to be rewarded by a permission to purchase the 1,500 acres at the low price mentioned. He would only say, that if the door is to be opened to such claims, and he hoped not, it would require at least 100,000 acres to satisfy and extinguish them.<sup>27</sup>

MR. COM. CR. LANDS CAUCHON thought the hon. member, before giving his opinion on the question itself, should have waited till the papers were before the House and expressed his opinion on those papers. But the Government had no objection to giving all the information they had to the country. He did not think, however, that it was necessary to discuss the question now. He thought it altogether a false principle laid down by the hon. member that no claim could be renewed, after being once rejected. Suppose the hon. gentleman himself had a claim rejected by the government from want of sufficient information would he think it wrong in them to entertain information in regard to it?<sup>28</sup>

MR. BROWN.--Surely the Government will not allow the matter to go before the public in this shape, without anything approaching to an explanation being given. (Hear, hear.) If they allow so serious a charge to go to the country thus uncontradicted, they need not complain if severe comments are made upon it. If an answer can be made to it, we should hear it now. (Hear, hear.) The charge made by my hon. friend the member for Glengary is, that the moment the present Government got into office, they hunted up a claim rejected twelve years before, and issued an order in favour of a political friend of their own, enabling him to purchase a large tract of public land at 1s per acre--and is this a charge to be sent to the country as if it were a matter of mere ordinary occurrence requiring no explanation? It is due to the country, and to this House, not less than to the Government that some information should be afforded beyond merely telling us to wait for the papers. (Hear, hear.)<sup>29</sup>

MR. COM. CR. LANDS CAUCHON repeated that it was unfair to discuss the matter, till the House was in possession of the papers which would be brought down without delay.<sup>30</sup> The hon. gentleman had no right to prejudge the case.<sup>31</sup>

MR. BROWN knew nothing about the matter, but he thought the Government should be prepared to give the information when asked for it.<sup>32</sup> The public will draw their own conclusions.<sup>33</sup>



MR. COM. CR. LANDS CAUCHON: The Government knows all about the matter, and when the papers come before the House, the hon. gentleman, if he sees anything wrong, will have an opportunity of speaking about it. If the papers had been refused, it would have been well enough for him to find fault.<sup>34</sup>

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*Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, copies of all Orders of Council, and of all Correspondence and Official Reports, touching a certain claim of Clarke Gamble, for Scrip and Land, founded on the original claim of the late Oliver Everts for fifteen hundred acres of the Crown Domain.*

*Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.*

MR. SOL. GEN. H. SMITH, seconded by MR. PRES. EX. COUN. MACNAB moved to add Mr. Loranger to the committee appointed to investigate the charges made against the late administration.<sup>35</sup> [He] said that much had been said about the inaction of the Committee appointed to investigate the charges against the late Administration. Now one of the members had ceased to be so by his ceasing to be a member of the House. It was true that being re-elected the member for Levi (Mr. Lemieux) might be re-appointed to the Committee, but his occupations as a Minister of the Crown were so numerous that it was thought better to appoint another person in his place.<sup>36</sup> He took the liberty of naming Mr. Loranger, a Lower Canada member, in his stead. He had received a communication from the hon. gentleman, the chairman of the committee, Mr. Sidney Smith, stating that he would be in Prescott to-morrow, and be here the day after to-morrow, when the committee could at once resume its sittings.<sup>37</sup>

MR. BROWN thought it would be better to delay filling up the vacancy in the committee till the chairman returned, when a suggestion might properly come from the committee itself. He did not think that the usual courtesy had been shown the committee in this matter. What right had the Solicitor General to fill up the vacancy in the committee? Was it as a member of the Government? For his (Mr. Brown's) own part, he would prefer that the Hon. Commissioner of Public Works should be again placed on the committee rather than that a new member should be put on after the proceedings had commenced.<sup>38</sup>

MR. SOL. GEN. H. SMITH was surprised at being accused of a want of courtesy to the House.--He denied the statement of the honorable gentleman that the Committee had anything to do with the naming of an additional member. It was the business of the House to do so.<sup>39</sup>

MR. PRES. EX. COUN. MACNAB said it had not been thought advisable that Mr. Lemieux, now that he had become a member of the Government, should continue on the committee.<sup>40</sup> The hon. member for Lambton spoke of the inaction of the committee and then objected to a motion that would remedy it.<sup>41</sup>

MR. BROWN expressed his astonishment that the Government should not assume more responsibility than they did in the matter. They had moved the committee, and had the actual control and management of it, and yet they tried to divest themselves of all responsibility. (Hear, hear.) They had the whole thing in their own hands, and so managed matters that it was impossible to get a meeting of the committee; and yet they coolly demanded--why don't you inquire--why don't



you establish the charges? (Hear, hear.) He would like the responsibility to be brought home to them by the commissioner of Public Works being kept on the committee. (Hear, hear.)<sup>42</sup>

MR. COM. PUB. WORKS LEMIEUX.--It is really impossible. I cannot serve on the committee, and attend to my other duties.<sup>43</sup>

MR. GALT was surprised that there should be so much difficulty in organizing this committee, or obtaining any report from them. On the last day of the former portion of the session he had called the attention of the Government to the fact that the committee had been organized for nearly three months and no report had been submitted by them to the House, and it did seem to be an extraordinary thing that charges sufficient to turn a ministry out of office were deemed of so little importance by the new administration who had obtained their seats through these charges, that day after day and week after week should still be allowed to pass over without the committee meeting. It was an easy thing to say that the hon. member for Lambton ought to substantiate the charges, but the members of the existing administration had brought those charges quite as strongly as the member for Lambton, and they were the more called upon to prove those charges because they had reaped the benefit of them. (Hear, hear.) By those charges they turned the former administration out of office, and now they occupy the benches which those gentlemen formerly occupied, but now it seemed a matter of perfect indifference to them whether the matter was prosecuted further or not. (Hear, hear.) So far as present appearances went, it seemed that the committee would last as long as the Parliament itself. He asked was this giving fair play to the parties most deeply interested? For his (Mr. Galt's) own part he had said repeatedly that he considered some of those charges at least, were not founded on fact, and he thought it an injury to the country that those charges should continue to be held over the heads of those gentlemen, who were still supporters of the Government, by a committee appointed at the instance of the Government, and that the country should be deprived of the services of those gentlemen, while those charges were allowed to hang over them. The hon. member for Lambton said he had been unable to obtain a meeting of the committee. He would like to know when this could be had. Members of the administration had told them that the whole public morality of the country was being deteriorated, while these gentlemen, guilty of such conduct, remained in office, and now when they had the opportunity of substantiating their charges, by a committee nominated by themselves, they seemed to be perfectly indifferent whether the investigation was proceeded with or not.<sup>44</sup>

MR. PRES. EX. COUN. MACNAB.--Did not the House nominate the committee?<sup>45</sup>

MR. GALT.--Yes! The House under the direction of the gallant knight, and it was the Solicitor General who moved the appointment of the Committee, and now the filling up of this vacancy, evidently recognizes the responsibility of the Government.<sup>46</sup> He thought it would be much better that Mr. Lemieux should remain on the Committee; but if it were changed, or if [it] were not changed, he hoped it would proceed to business.<sup>47</sup>

MR. AT. GEN. J.A. MACDONALD said the investigation had been entered upon, not so much at the instance of the present, as of the late administration. If he remembered rightly, in the other branch of the Legislature, it was a member of the late administration who actually moved for the committee, and in this House, at the beginning of the present Parliament, it was the hon. member

charged with corruption who demanded an investigation as an act of justice to themselves. The Solicitor General, as a member of this House, moved a committee, and the House nominated it.<sup>48</sup> It was said the committee was under the control of the government, and of course the head of the ministry influenced the majority of the House, but that was all he had to do with it.<sup>49</sup> But the most extraordinary thing about the matter was the indignation shown by the hon. member for Sherbrooke at the delay which had taken place. Now where had been the delay? As had been formerly explained, certain questions having been forwarded to England, at the instance of the hon. member for Lambton, no report could be made before the recess, which accounted for any delay there had been up to the 23rd of February<sup>50</sup>.

The House adjourned until 7 o'clock.<sup>51</sup>

MR. MACKENZIE.--Mr. Speaker, the rule says that at 7 o'clock the House shall take up the orders of the day.<sup>52</sup>

MR. SICOTTE the SPEAKER read the rule.<sup>53</sup>

MR. AT. GEN. J.A. MACDONALD.--It is all the same to me.<sup>54</sup>

After a short conversation in which the hon. MR. AT. GEN. DRUMMOND, MR. MACKENZIE, MR. GALT and others took part--<sup>55</sup>

MR. AT. GEN. J.A. MACDONALD proceeded,--such was the anxiety of his hon. friend the member for Sherbrooke, for those hon. gentlemen over whose heads those charges of corruption were hanging, that he really thought it unfair and unjust towards them, however, that could not be--those gentlemen could not be acquitted honorably as his honorable friend wished--for the hon. member for Lambton one of the Committee had not arrived till Tuesday last.<sup>56</sup> Now he would ask ... if the reasonable request of the member for Lambton that this evidence should be got from England had been refused, to enable the committee to report earlier--whether there would not have been some reason for the complaint already made without good ground, that the Government had constituted a committee merely for the purpose of whitewashing the late administration. One thing was clear, that they heard no complaints of delay on the part of those most interested in the matter, whose characters were now on trial (Hear, hear.)<sup>57</sup> Now, the hon. gentleman had five days during which he could have acted, and yet he complains. However, hon. gentlemen may be a little puzzled how to act<sup>58</sup>. The only complaints came from the hon. member for Sherbrooke, who said the accused parties were innocent and from the hon. member for Lambton who wanted to have them found guilty. And it was very odd that the member for Lambton complained of not being able to get his committee together, when he only arrived in Quebec himself a week ago. The chairman of the committee, Mr. Smith, had not got down on account of his health, the senior member for Montreal<sup>59</sup>, Mr. Dorion<sup>60</sup>, only arrived to-day (no! no!), and Mr. Lemieux by accepting office, lost his seat in the committee altogether. Therefore there only remained the Solicitor General, who was accused of having moved the committee as a mere pretext, the member for Brockville [Mr. Crawford], who every one knew was a Grand Trunk man, and the member for South Simcoe [Mr. Robinson], one of the old family compact<sup>61</sup> [OR] a Grand Trunk man<sup>62</sup>, and if these three had set to work without their colleagues, it would have been said that they had laid a plot to whitewash the late administration. Another reason for the delay was that the evidence from England had arrived, addressed to the chairman, Mr. Sidney Smith, and it had not been thought proper to open it in his absence. He believed the committee had been

fairly and honestly chosen, and his only objection to it was the placing on it the name of the hon. member for Lambton. A more zealous, able, and competent person to sit on any committee there could not be than the member for Lambton, but that hon. member having placed himself in some degree in the position of a public accuser in this matter, he could not very well assume at the same time the incompatible position of being a judge. Before sitting down, he would just ask his hon. friend from Sherbrooke (Mr. Galt) one question. He said the present administration owed their places to the charges of corruption against the last. He (Mr. M) denied this, believing that they owed their places to the majority of the votes of the Legislature. But the hon. member for Sherbrooke gave a vote the same as his (Mr. M's) on that occasion. He wished to know if that vote of the hon. member was based on the corruption of the late administration? The true cause of the resignation of the late administration, and the advent of the present, was not so much the pressure of foes as the desertion of friends.<sup>63</sup>

MR. MURNEY.--The speech of the Honorable Attorney General is a most extraordinary one. The charges against the hon. member for Renfrew, instead of proceeding from the Opposition to the present Government, came from the very treasury benches opposite. It was not his intention to go into any charges affecting, in the slightest measure, the ex-Inspector General. He did not believe that these charges were half as strong as the Ministry had endeavored to make out, and particularly that member of the Administration that had last spoken.<sup>64</sup> (Hear, hear.)<sup>65</sup> The Attorney General West had not only done his best in Parliament to arouse public opinion against the hon. member for Renfrew, but he had influenced the press of Upper Canada against him.<sup>66</sup>

MR. AT. GEN. J.A. MACDONALD.--How did I instigate the press?<sup>67</sup>

MR. MURNEY.--Is it possible we can forget what took place? It is only a few months ago. Is it possible we can forget it in so short a time? (Hear, hear.) I say the charges affecting the character of the Inspector General came from those gentlemen, when they were in opposition, and when they tried to make political capital out of his destruction. Do we not all know it, and do they not know it very well themselves? (Hear, hear.)<sup>68</sup> The strong Government, formed on the defeat of the Hincks-Rolph administration was to last for years; but where are they now? They are tumbling to pieces one after another.<sup>69</sup> To-day all were scattered. One was a judge, another a chief commissioner, another just what he chose to be.<sup>70</sup> He must confess the improvements that had since taken place were to be admired; but could not help looking back, the charges were so plainly, so unmistakeably made.<sup>71</sup> We were all witnesses of the farce that occurred at the beginning of the session, on the appointment of this committee. The Solicitor General became public prosecutor (sic), to prosecute the charges against the late Inspector General. And in fulfilment of this task he came forward and tried to force upon this House a certain committee. But did we not see the whole plan and plot, how the intention was to give a most partial colouring in favour of the late administration?<sup>72</sup> The hon. gentlemen who had secured themselves positions by exclaiming about the corruptions of the late administration were afraid that the charges which they had themselves made, would not be substantiated, and they had gone from bench to bench, and from member to member with packing a Committee.<sup>73</sup> When the member for Lambton's name was mentioned, did we not see the Solicitor-General and every other member of the administration running east and west, north and south, to every corner of the House, endeavouring to prevent his nomination by getting Messrs. A, B, C,



and D, to vote for Mr. So and So? (Hear, hear.)<sup>74</sup> They had virtually attempted to clear the very person whom they had so bitterly accused even at their own expense. But we are told that the Chairman of the Committee is absent from illness. Why is it if ill-health prevents the Chairman from being present, that the Government do not come forward and name a successor? (Hear, hear, and laughter.) He could not understand why the Government themselves did not go on with a matter in which they were so seriously winded up.<sup>75</sup> I say the charges brought against the late administration were brought by those gentlemen now occupying their places on the treasury benches, and it is their duty to have the matter prosecuted to a close as speedily as possible. (Hear, hear.)<sup>76</sup>

MR. WILSON had not been present when the Attorney General delivered his celebrated speech in opposition to the late Ministry, and in allusion to the corruptions with which that ministry had been charged.<sup>77</sup> [He] said that possibly being comfortably seated on the treasury benches made people forgetful of the past. But he held in his hand what purported to be a speech of the Attorney General, when Mr. Macdonald of Kingston sat on this side of the house, and he would like to know if it really was his speech. If it was, Mr. Macdonald on this side of the house was very different from Attorney General Macdonald on that side of the house. (Hear, hear.) What Mr. Macdonald then chiefly complained of was that members could support those very gentlemen whom he now supported, and was glad to act with. (Hear, hear.) He was perfectly astonished that they could come together on any terms whatever! (Hear, hear.) But he would read a portion of the honorable gentleman's speech in June last, to see if he could now recognize it:--"Every member of that house had an interest in insisting that the pledges and promises of the Government should be kept, and that the public mind should not be debauched by the moral wrongs of the Government." (Hear, hear.) "They had an interest that the public mind should not be contaminated. It was immoral that the Government should occupy their places, upon the strength of violated pledges, and the grossest corruption, while they enriched themselves by speculations in public property." (Hear, hear.) "Promises were broken, faith was betrayed, and expectations were disappointed. The honorable member for Norfolk read from newspapers, but what did the Reform Press of Upper Canada say? He did not mean the ministerial press--bought like sheep--and that wrote as they were paid to do. He found that 44 Reform papers in Upper Canada, not under the ministerial influence, denounced their conduct. Referring to the corruptions of the Government, he said he had noticed the honorable Postmaster General had been particular to deny a portion of his reported speech at Perth, in reference to the Clergy Reserves, but another portion of that same speech, charging the honorable Inspector General with corruption for purchasing public property, was not denied. He, of course, then inferred that the report was correct, and asked how it was that the honorable gentleman (sic) still sat together in the same cabinet after such a charge. He was surprised at their doing so; and the country might well be so too." And how was it, he (Mr. Wilson) asked, that the hon. Attorney General could himself now sit on the same benches with those gentlemen? (Hear, hear.) "What kept them together? They could not respect each other, they could not love each other, after such a declaration, and, if they kept together, it was that they feared each other; the tie that kept them together was common plunder. It was dreadful to think of such a state of things, and there must be an end to it. William Pitt was a minister of the crown for many years, and was very often assailed with slander, but it was his custom, he said, to treat it with indifference and without reply, but on one



occasion he was accused by a London newspaper with speculating in public property, and he felt it his duty to bring the slanderer to justice. That was the course William Pitt took, when such a charge was made against him, but here we saw that one minister sat with another after a charge of corruption. There were no William Pitts in this ministry. No, Sir, they are Robert Walpoles. Robert Walpole was an able man in his way, but he was expelled [from] the House of Commons for corruption. He (Mr. Macdonald) would support the amendment. He trusted that the house would have sufficient independence to investigate the corruptions of the ministry." He wondered if that really could be the speech of the honorable Attorney General, whom they had heard to-night talking in so different a tone. (Hear, hear.) "He trusted that the house would not allow them to play fast and loose, and make promises only to break them, in order that they may the better carry out their corrupt schemes. If the house should fail in independence to make such enquiry, it would be wanting, not in competency, but in common honesty." (Hear, hear.) That was the language of the honorable gentleman, when he sat among the opposition. It was very different from the language he held now. (Hear, hear.) The speech was true or false, whether one or the other he (Mr. Wilson) offered no opinion, but if true, the Attorney General was in a shocking den; if false, honorable gentlemen had associated with them a desperate slanderer.<sup>78</sup>

MR. AT. GEN. J.A. MACDONALD said that that which had been read sounded like his speech. He spoke strongly at that time.<sup>79</sup> But he [Mr. Wilson] did not seem to understand the tendency of the remarks he had made this evening, which were directed to this point, that, the house having ordered an investigation, and appointed a committee, they should suspend their decision till that committee had reported.<sup>80</sup> It was worthy of notice that the charge of delay came from the Opposition, and not from the gentlemen whose characters were affected, and who were deeply interested in the investigation going on.<sup>81</sup>

MR. MURNEY.--I think it very unfair in the honorable member for London to have read that speech. That speech has been referred to already this session, and humbly apologized for by the honorable gentleman who has just spoken. And very deep regret having been expressed by that gentleman at his having made it, I think we are all bound in honor to forget it. (Hear, hear.)<sup>82</sup>

MR. AT. GEN. J.A. MACDONALD.--I cannot allow that remark, made in the tone it was, to pass. I attacked the late administration with the same zeal and the same strength of expression, as I am sure the honorable gentleman would attack the present administration, if he had the same power. I used all the language that was justified by Parliamentary rules, with the view of bringing those accusations to a close. But the moment those honorable gentlemen threw themselves upon the house, and<sup>83</sup> professed themselves ready to stand an investigation<sup>84</sup>, that moment I said, I regret the language I used, not the course I took, but the language I used, which might be construed to affect them as individuals, for when they demanded a fair trial I was willing, for one, to give it them.<sup>85</sup>

MR. GALT did not see a great difference between the speech that had been read and the speeches now made by the Attorney General.<sup>86</sup> At the time that speech was delivered, which attracted the attention of the whole Province from the violence of its denunciations, at that time, if I am correctly informed, it was understood between the late Inspector General, and the gallant Knight from Hamilton, that there would be an investigation into those charges. (Hear, hear.)<sup>87</sup> Cries of No!<sup>88</sup>

[MR. GALT continued:] I say that is the fact, and I appeal to the gallant knight if it was not.<sup>89</sup>

MR. PRES. EX. COUN. MACNAB.--I am prepared to stand by the whole of my conduct at that period. I was at that time in opposition. I was opposed to the then administration, and was taking every means in my power to unseat them and turn them out of office. I had a right to oppose those gentlemen but I defy the honorable member for Sherbrooke to shew a single expression used by me on that occasion that I would not use again, or that was improper.<sup>90</sup> He had done it fairly and honestly, and the ministry had no right to expect anything else from him.--The honble. member for Sherbrooke, however, was a supporter of that administration.--But so soon as the tide of public opinion turned, that gentleman turned too, and was the very first to lead the way in turning traitor upon his old friends. He had supported them while they were strong, and had deserted them when they became weak. (Prolonged cheers.)<sup>91</sup> It was the desertion of such as he and others of their friends that really turned them out.<sup>92</sup>

MR. GALT.--I am willing that the gallant knight should have the full benefit of what he has stated. At the same time I think both the House and the country would have been better satisfied,<sup>93</sup> as to the conduct of the gallant Knight's colleague, if the gallant Knight had been able to give an answer to his (Mr. Galt's) question.<sup>94</sup> (Hear, hear.) I have charged the honorable Attorney General West with having made that speech at a time when the gallant knight had given notice of a committee to enquire into those charges, and when the Ex-Inspector General had acquiesced in that course, and yet he now comes forward and says that the moment an investigation was consented to that moment he regretted the language he had used. (Hear, hear.) That was what I charged him with, and it is true. The gallant knight says that I deserted the late Inspector General. In the first place I deny that I was one of his followers. But I give the gallant knight the full benefit of it.<sup>95</sup> As to his leaving the late Inspector General, did he do so under any dishonorable circumstances?<sup>96</sup> Did I leave him because I had brought charges of corruption against which I am unwilling now to prove? Did I leave him to occupy his old place myself, enjoying his support and holding this committee as a rod in pickle over him? (Hear, hear.)<sup>97</sup> No wonder he might differ from the Inspector General in politics, whatever his desire to have him out, he had never acted falsely towards him as an individual, when he supported the government of the late Inspector General, he said he was innocent, and he did so when he helped to turn him out.<sup>98</sup> I have always said that I believe those charges are not true. But what said the Attorney General West and the gallant Premier? They said they believed them. They said the country demanded that those gentlemen on account of their corruptions should be cast out of office. They said that if they remained in office, the whole public mind would be corrupted and debauched. But how do they act, when they have full power to instigate those charges? They appoint a committee, not representing the majority of this House, no fewer than 3 of the members belonging to the party of 15 in this House who compose their own political friends. And is not the intention of this evident, when we know that the government depend for existence on the support of that section of the liberal party, still led by the honorable member for Renfrew? I do not think it was intended to be a whitewashing committee, but I believe it to be a committee which was to hold the rod over those men.<sup>99</sup> What had this committee done? Ten weeks had elapsed during the previous part of the Session, and yet no report had been made.<sup>100</sup> And I affirm positively that instead of affording the member for Lambton facilities

for proceeding with those charges, which, I believe, when brought, will be refuted, the government have thrown every possible obstacle in the way. The Attorney General talks about waiting for the evidence to come from England, but why not proceed with other charges--why not go on with that transaction which took place within half a mile of this building--why not go on with the Point Levi affair?<sup>101</sup>

Yes, why? from the Treasury benches.<sup>102</sup>

MR. AT. GEN. J.A. MACDONALD.--Echo answers why?<sup>103</sup>

MR. GALT.--Let the Solicitor General West, who moved the committee, answer. Let the Government who now take the responsibility of filling up vacancies in the committee, answer. But do we not see some of those parties still in the government? Was not the Attorney General East implicated in those charges?<sup>104</sup>

MR. AT. GEN. DRUMMOND.--I deny it.<sup>105</sup>

MR. GALT.--He may deny it as much as he please, but will he pretend he was not one of the members of the Executive Council, who allowed their colleague to deal in Public Lands. If there was anything wrong in the conduct of the late Inspector General, the Attorney General East shared in the responsibility of it. He might try in the same way to get rid of all responsibility in connection with the profligate expenditure of his colleague,<sup>106</sup> of the piers below Quebec and the tug-boats;<sup>107</sup> but, if that is permitted, Responsible Government is a delusion. (Hear, hear.)<sup>108</sup> He cannot escape from the joint responsibility, otherwise responsible government would become a mere shame (sic), and a ministry might escape all the blame by getting rid of each of its members when he fell into disrepute with the country.<sup>109</sup> He hoped the House would see the impropriety of voting for any change in, or addition to the Committee.<sup>110</sup>

MR. ROBINSON made a few remarks which were nearly inaudible in the Reporters' gallery. We understood him to vindicate the seeming dilato[r]iness of this committee, by saying that no one had appeared before them to prosecute the charges, except one of their own members, the honorable member for Lambton. He did not think it was any part of the duty of the committee to hunt up the business for themselves, and the charges to be investigated ought to have been more fully brought before them.<sup>111</sup>

MR. BROWN.--The hon. member for Simcoe having alluded to the position I occupy, in regard to the Corruption Committee, I ask permission of the House to say a few words. I must say it was with the greatest surprise<sup>112</sup> [OR] with grief<sup>113</sup> I listened to the hon. Attorney-General's (Mr. McDonald's) remarks, in regard to the charges against the late administration. I think this is too serious a matter to be made a mere party question. (Hear, hear.) For my own part, I look upon it as a matter affecting the deepest and most vital interests of our country; and if I had not believed that the greatest part of the charges were true, and capable of being established before a committee--had I looked upon these charges as a mere party or political question--I would have washed my hands of the inquiry altogether<sup>114</sup> [and] would not have sat on the committee.<sup>115</sup> (Hear, hear.) I do think it will sound ill through the country, when it be told that the hon. gentlemen on the Treasury Benches, after having [w]rung the changes on these matters--after appealing to every principle of morality and justice, to obtain a condemnation of the alleged corrupt proceedings of the late Government--after defeating that Government at the general election, mainly by



their outcries of corruption--after riding into power on this same cry of corruption--I say, Sir, it will sound ill to the country, after all this, when it is known that we are now using these very charges of corruption as a mere political weapon. One hon. gentleman taunts the Government with making use of it to keep the member for Renfrew in an inconvenient position--and they, in turn, try to bandy back the accusation, by alleging that I am the prosecutor of these charges--that they have no interest in the matter--that on my shoulders rests all the responsibility--<sup>116</sup>

MR. CRAWFORD.--Ha! ha!<sup>117</sup>

MR. BROWN.--The hon. member for Brockville cries "Ha, ha!" If he is chuckling over the dexterity of the manoeuvre, I do not envy him. If he fancies I am drawing back from any charge I ever made in this House--and I never made a charge anywhere else, that I did not make here--he is greatly mistaken. I not only adhere to everything I have stated, but, if a committee can be got to act, every charge I have made will be fully established. (Hear, hear.) The Attorney-General has said that the reason for the inaction of the Committee is, that we have been waiting for certain answers from England. No, Sir; we have not been waiting for those answers. The interrogations sent to England were merely incidental to the inquiry, and, in the shape in which they went, can little affect the issue. The inaction has a deeper cause. In the former part of the session, I attended at the Committee-room, after due summons, day after day, week after week, and sat for one, two, or three hours, in expectation of obtaining a quorum; but how seldom I succeeded, our minutes will partially show. And when we did get a meeting, what was the result? I expected, of course, that the honorable gentleman who had moved for the Committee, would proceed to establish his charges. (Hear, hear.) The House will recollect that it was not I, but the Solicitor-General, who moved for the Committee. But did he do so? No, Sir. His first act was to declare that he could not devote sufficient time to the inquiry. He put a political partizan of the late Inspector-General in the chairmanship, which he himself was bound to have occupied, or have left the matter alone; and not one witness has he called who even professed that he had an accusation to prefer. It was a grave responsibility the hon. and learned gentleman undertook; and unless he believed there was ground for inquiry, and was determined to search the matter to the bottom, he ought not to have taken it out of the hands of those who would have done the work thoroughly. Who ever heard of a Parliamentary Committee of Inquiry being moved for and conducted by men who had no sympathy in the inquiry--no belief that there was any foundation for the averment to be inquired into? In regard to my own position in the Committee, I have no hesitation in saying that, had I been in Quebec at the time when I was nominated as a member, I would have requested not to be put upon it. But when I found that, in my absence, the House had placed my name on the Committee, I was in a different position. Had I declined to act, it would have been said--"You made charges, but you have not dared to go into the Committee to establish them." I was placed in a position compelling me to act; but how am I situated now on that Committee? With one hon. gentleman, who, I presume, believes the charges to be of the gravest importance, and desires to search out the truth of them; and with five other members, who do not believe one word of them--and who, if all that is alleged were true, would not stand up and say it was blameworthy.<sup>118</sup>

MR. SOL. GEN. H. SMITH.--I call the honorable gentleman to order. Are we not all just as honorable as he is?<sup>119</sup> I will not hear such aspersions of my colleagues.<sup>120</sup>



Loud outcries, one voice exclaiming how does he dare?<sup>121</sup>

MR. BROWN.--I assure the honorable gentleman that I did not mean to convey the slightest imputation against his personal honor, or that of any of his colleagues. But I will take the hon. member for Brockville (Mr. Crawford) as an illustration of my position. That honorable member has said, over and over again, that members of a Government have a perfect right to buy public property and Government securities. Is it not so? (Hear, hear.)<sup>122</sup>

MR. CRAWFORD assented.<sup>123</sup>

[MR. BROWN continued:] The honorable gentleman admits it. I hold, on the other hand, that a member of a Government has no right to traffic in public securities or public property--that his position disqualifies him for such traffic. Here lies the point of the whole charges against the late administration. If ministers of the Crown may dabble in public property, it would be absurd to suppose they were not to use their official knowledge in conducting their speculations. The one concession necessarily involves the other. I contend that the late ministry used their official knowledge for their own personal ends, and to the lamentable demoralization of the public mind--and that, in doing so, they were guilty of a high crime. Let any one read the evidence of the hon. member for Renfrew, before the Court of Chancery, and in it alone he will find proved every point necessary to be established. From his own evidence, it will be there seen that he purchased public property and public securities, and that he now maintains he had a perfect right to do so, whatever was his position when the charge was first broached. This, I apprehend, is the great question at issue before the Corruption Committee. For one, Sir, I care not to establish the particular amount of guilt which may have attached to any minister of the Crown, from his engagement in such transactions--how deep his plots, how great his turpitude. Such inquiries had better be left to the law courts of the country. But what I did desire to show was, that men in power had used their offices for purposes which they ought not; I wished to show the ruinous effect of such practices to the country, and to our public men; I wished to stamp such practices with the seal of public reprobation--to put such a mark on the transaction as would effectually prevent it in the future. (Hear, hear.) And, sir, notwithstanding the light manner in which honorable gentlemen on both sides would now have us to treat those charges, I am free to say that, in my humble opinion, it will be a most unfortunate thing for this country if the slightest sanction is given to the idea that when a public man comes into office, assumes the reins of power, and obtains access to the key of public movements--he may use that power and knowledge, entrusted to him for the benefit of the people, in trafficking to fill his own pockets and advance his private interests. (Hear, hear.) This is the great question at stake in the corruption enquiry, and if for miserable party purposes on this side or that side of the House, this issue is set aside, I do think it will be a matter of deep regret to all lovers of Canada. I say sincerely that I have no personal hostility to the member for Renfrew in this or any other matter. I felt and I feel now that he has perverted his high trust to the most ignoble ends--that the heaviest responsibility rests upon him--that deep guilt attaches to his conduct; but it can be no desire of mine to press home that guilt. A much higher and more important duty is it to prevent the recurrence of such injurious proceedings on the part of our public men than to bring home guilt to any particular individual. But how have the committee gone to work? Look at the course pursued in reference to the interrogations which have been alluded to by the Attorney General. I prepared a

series of questions to be sent to England, to the only parties who knew about the £50,000 affair. Every member of the committee voted for these questions except the honorable member for Brockville; but the very day after they had been approved and ordered to be sent to England, down came the Solicitor General with a new set of questions all cut and dry, setting aside those we had put on record the day before, and substituting others which did not reach the point most materially (sic) to have disclosed. (Hear, hear.) I sincerely hope that this debate will do good to the course of the enquiry. I hope that difficulties will not continue to be flung in the way of the enquiry. But I do say, and I say it frankly, that it is not encouraging to find the Solicitor General, who first moved for the committee, and who got into office through this very matter--when an accidental vacancy occurs in the committee, proposing to fill it with the business partner of the Attorney General East, one of the gentlemen possibly to be affected by the enquiry.<sup>124</sup>

MR. AT. GEN. DRUMMOND.--That connection has now been dissolved.<sup>125</sup>

MR. BROWN.--I was not aware of that circumstance. It must have been very recently. The whole proceedings in regard to this committee have a most unusual character. I have still some hope, however, that the honorable Attorney General will see to it that the committee is not a dead letter. As to my not having been here during the first few days of the session--why should the committee have stopped proceedings on account of my absence?<sup>126</sup>

MR. AT. GEN. J.A. MACDONALD.--There was no quorum without the hon. gentleman.<sup>127</sup>

MR. BROWN.--The honorable member for Simcoe (Mr. Robinson), the member for Brockville (Mr. Crawford), the Solicitor General, and the member for Montreal (Mr. Dorion), were all here, sufficient to constitute a quorum, and although the last gentleman has been absent at Montreal, I passed him on my way down, so that the quorum has not been broken up for a single day. And even now we are told that there is to be no meeting till Mr. Sidney Smith comes down, which will not be till Wednesday or Thursday next. I do think honorable members regard this matter in two lights, a view nothing could tend more to bring public men into contempt in the eyes of the people, than that the party who have obtained power by raising an outcry about these corruptions, should now when they have attained their object, attempt to shift the grave accusation into a mere matter of petty party politics. (Hear, hear.) For my own part I have been perfectly sincere in the position I have maintained throughout, and did I at this moment feel that there was any doubt about the matter--did I think any errors had been committed--any injustice done to the honorable member for Renfrew, I would be the first to rise in my place and apologize to him in the humblest way a man could employ for the injustice I had done him. (Hear, hear.) I confess, sir, I did not envy the position of the hon. Attorney General West, once the foremost in mouthing charges of corruption, who publicly declared from his place in this House that every member of the late administration was "steeped to the lips in corruption," when I heard him striving to make a mere political shuttlecock of the whole affair, and manoeuvring to throw the whole responsibility over upon me. Sir, I am perfectly ready to take my full share of responsibility in this matter, involving as the question does the most vital interests of the country. (Hear, hear.) But had I been actuated by no higher consideration than some honorable gentlemen seem to have been guided by, I should have charged myself with deep injustice to others, and deeper degradation of my own character and position.<sup>128</sup>

MR. AT. GEN. J.A. MACDONALD.--One word, Mr. Speaker. Far beyond mere party feeling should be any inquiry into a matter like this. Yet speakers opposite had charged the Government with quibbling. But Government were even now acting while members opposite were using words. On this side of the House there is the most perfect unanimity. On the other side one hon. gentleman declares that he fully believed every word that had been uttered against the hon. member for Renfrew, while those who act with him declare that they do not believe a single word. The Government had taken a straightforward, and honest course. Whether the late Administration were obnoxious or not for alleged corrupt proceedings, it was not for him then to say, but when the present Government handed over to a Committee the investigation into the matter, he believed that they had taken as wise and impartial a course as could be pursued. If, instead of standing aloof, the Government had themselves selected a Committee, they might have been charged with quibbling. But Government did not know what course the Committee had taken, what charges had been made, taken, or refused. The Committee must purify themselves by making a report. When that report was before the House, then and not till then would he move in the matter. The Ministry hoped and trusted that the Committee would meet and relieve the Country from its suspense but could not interfere with them. It was only now that he finds that the Commissioner of the Board of Works cannot really attend on account of the nature of his departmental and Ministerial duties that the Solicitor General has moved that a member of this House, standing in nearly the same position as that in which his honorable colleague did before he took office[, be added to the committee]. Mr. Loranger was in no way connected either with the present or with the late Administration.<sup>129</sup>

MR. RANKIN thought the question did not call for all the warmth that had been expended upon it. He thought it would be embarrassing in the extreme for a member of a government to sit in an investigating Committee as a judge upon the acts of his predecessors.--He did not think that the charges made against the Government relative to the composition were at all called for. It should be remem[ber]ed that the Committee had been appointed by the house and not by the Government. As it was necessary now to change one of the members of that Committee he thought the interests of the country would be as safe in the hands of Mr. Loranger as in those of any other member. The charges he did not believe were founded on facts. The criminality existed only in the imaginations of those who had originated them. The members of the Government must be anxious as any one else to have these charges properly investigated. They must be aware that they had new material to deal with in that house, and that their continuance in power must depend upon their own disposition to maintain the interests of the country, and the honor and integrity of public men. He had no sympathy with those who charged the present Government with desire to screen the members of the late Government from any charge made against them.<sup>130</sup>

MR. HINCKS.--I have hesitated a good deal whether I should address the House on the present occasion. I think, however, that some remarks have been made which I feel personally unfair to myself, and there is none which I feel to be more unfair to myself than the remarks made by my hon. friend from Sherbrooke, and the hon. member for Lambton, with regard to the effect of certain charges against me on the present state of political parties in this province. And I must say that during the last year or two, since those charges have been made against me, nothing has given me so much pain as the attempt to shew that, by any proceeding of mine, or by anything in my conduct being made the subject of



public complaint, I had been in any way the means of affecting the position of those gentlemen with whom I have had the honour of acting in public life, and for whose support I feel a degree of gratitude which I shall carry with me to the grave. But the best answer to the allegation that any conduct of mine has been the means of injuring the party with whom I have acted, is the present position of parties in this House.<sup>131</sup>

Hear, hear, from the opposition side.<sup>132</sup>

[MR. HINCKS continued:] I ask, is the present position of parties owing in any degree to my position or conduct? Will any one say that the late administration was upset in consequence of misdemeanors of mine?<sup>133</sup> [OR] that it did not possess the confidence of the house?<sup>134</sup>

MR. MACKENZIE.--Yes.<sup>135</sup>

MR. HINCKS.--Does the hon. gentleman mean to say so. Will he say that the present did not. He would say it did, it was an able, strong administration.<sup>136</sup> Well he was now out of the government<sup>137</sup>. There is now another Government in office. Does that Government receive the support of a majority of this House, or does it not? I say it does. And will it be said that those gentlemen on this side of the House, who support that Government, and who, hon. gentlemen may choose to say, are personal friends of mine, who at least did not desert me when some others did--will it be said that their course in reference to public affairs is affected by any allegations made against me? I am sure no one believes anything of the kind. Hon. gentlemen know very well that the present position of parties in the province, and the changes which have recently taken place, were brought about by events having no reference whatever to these charges. And in connection with this I may say that there were no persons who were more strong in their denunciations of the political course taken by the member for Lambton, previous to the last elections, than some of those very hon. gentlemen who are now sitting and voting with him as the leader of their party. That is notoriously the fact. But hon. gentlemen who say that the elections turned on those charges against me, must know that if there was any one in the province whose election was likely to be affected by those charges, surely it was the individual against whom they were made. Yet when I stood for the constituency I represented in the last Parliament, when I was followed all through the county by the member for Haldimand, who was quite able to bring forward all those charges and urge them with a great deal of force on the electors, what was the result? How many votes did the hon. gentleman's candidate poll? I had also the honour of being returned to Parliament by the constituency which I have now the honour to serve, by a county in which I had never placed my foot before. I deny, therefore, that the present state of political parties is the result of any charge of a personal nature against myself or any other member of the administration. But there were elements of opposition to the late administration in the public mind which would have existed had there been no such charges, and which exist still to the present administration, against whom there are no such charges. And almost every one of the gentlemen who were opposed to me at that time are still sitting on the opposition benches, opposed to the existing administration. I desire to make a remark on what has fallen from the hon. member for Lambton. I must say that I felt strongly and probably expressed myself strongly at the time that hon. member's name was placed on the committee. I considered from the course he had taken with regard to me, and the manner in



which he had expressed himself towards me, that he was not exactly in the position of being an impartial judge. I have listened carefully to the remarks he has made on this occasion. The hon. gentleman seems to be exceeding[ly] anxious that this question should be entirely disconnected with politics. It seems he has no personal feeling against the member for Renfrew. But I must confess I had this feeling while the hon. gentleman was speaking, that, if he was perfectly sincere in what he expressed, if he desired to establish a principle merely, I could not understand the object of his course, in seeking to destroy an individual in order to establish a particular principle. The hon. member said it was a difference of principle, and referred to the hon. member for Brockville, saying that he and the hon. member for Brockville entirely differed on the point, and that there was therefore no satisfaction in their being on the committee together. The hon. gentleman might have had charity enough to suppose that, if the member for Brockville, though entirely disinterested, arrived at that conclusion, he might have had the charity to suppose that I might arrive at the same conclusion very conscientiously, without being entirely corrupt, and if his sole object was to establish a principle, there was no necessity in doing so to destroy an individual. With reference to the purchase of public lands, as the hon. member for Lambton has stated, I have never attempted for a moment to conceal the fact that I was concerned and interested in the purchase of a property on the other side of the river<sup>138</sup>, with the late Speaker of the Legislative Council, Mr. Morris. Nothing could have been easier for them than to conceal this if they wished to do so, but they had no reason for desiring any concealment.<sup>139</sup> And I have always desired the fullest investigation of the transaction. I believe one point will be clearly shown, that the province not only sustained no loss but that a benefit accrued to it from our being competitors for the land. If I had thought it wrong for persons being Executive Councillors to become purchasers of Crown Lands, I would have cut off my right hand sooner than do it. But I believe it can be shown that it has been in accordance with established custom, and my intention at all events has been to do nothing that I believed to be wrong. And more than this, I declare most solemnly that in a matter of this sort I would not only not act against the opinion of a majority of this House, but I would not act against the opinion of even a small number of the members of this House. But, considering that I have never shrunk from the fullest investigation, I do not think it is a fair way of treating the matter to endeavour to show that the political affairs of this country have been in any way influenced by any individual doings of mine. I hold that the present state of parties in this House, and the fact that the present Government are supported by a majority of the House, furnish sufficient proof that at that time there was an absolute necessity for some kind of coalition such as there is now, and such as has been found necessary in England.<sup>140</sup>

MR. MERRITT rose to protest against the pretension that the present position of parties was a necessary one.<sup>141</sup> There had been no necessity in the political circumstances of the country to justify the formation of a Government by the leaders of a party only numbering 15 or 20 votes in the house. Any change in the composition of the committee, he argued, should be left with the House.<sup>142</sup>

MR. SICOTTE the SPEAKER ... called [Mr. Merritt] to order<sup>143</sup>. [He] decided that as the House had nominated the Committee previously, the present addition to it must be nominated in the same way.<sup>144</sup>

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*Ordered, That Mr. Loranger be added to the Special Committee appointed for the investigating all charges preferred against the Members of the late Administration, in the place of the Honorable Mr. Lemieux who has ceased to be a Mem[ber] of the said Committee since he vacated his seat by accepting Office.*<sup>145</sup>

*The House resumed the further consideration of the Question relative to the case of Joseph Magloire Hudon, Deputy Returning Officer for the Parish of Rivière Ouelle.*

*And the House being informed that Mr. Hudon attended at the door, he was called in.*

MR. PRES. EX. COUN. MACNAB moved That Joseph Magloire Hudon, Esquire, Deputy Returning Officer for the Parish of Rivière Ouelle at the late General Election for the County of Kamouraska, was privy to the fraudulent and illegal inscribing of names on the Poll-book of the said Parish, and in refusing to administer the Oaths to Voters when duly required so to do, and that he has thereby been guilty of a misdemeanour and of a gross breach of the privileges of this House<sup>146</sup>.

MR. CHAUVEAU dit qu'il n'entreprendrait point de faire valoir en faveur de l'accusé M. Hudon les mêmes argumens qui avaient été inutilement donnés en faveur des accusés du Saguenay, mais il croyait que la position de M. Hudon était bien différente de la leur. D'abord, la chambre devrait mettre de côté toutes les vaines déclamations sur l'énormité de la votation illégale qui avait eu lieu dans le comté de Saguenay, non seulement parce que cette votation illégale quelqu'énorme qu'elle ... rien à l'innocence ou à la culpabilité du prisonnier, mais encore parce que dans le cas actuel la paroisse de la Rivière-Ouelle dont il s'agissait, n'avait fourni qu'une centaine de voix de plus qu'à l'élection précédente, nombre proportionné à la population. Tout ce que l'on avait dit de l'excès de la votation, et de ces fraudes honteuses qui avaient eu lieu au comté du Saguenay et dans d'autres parties du comté de Kamouraska, ne pouvait donc aucunement s'appliquer au cas actuel.

La question se réduisait à savoir, d'abord, si M. Hudon, obligé d'agir comme député officier-rapporteur sous une très forte pénalité, a erré dans l'interprétation qu'il a donnée à une clause d'une de ces pièces de mécanisme compliquées que nous appelons nos statuts; ensuite, en supposant qu'il y eût erreur, si la raison de douter était telle qu'elle pût influencer l'opinion d'un homme d'une intelligence ordinaire; enfin, si les circonstances de toute l'affaire étaient telles que l'accusé pût être supposé avoir agi de bonne foi. Il est inutile d'ajouter que le bénéfice de doute sur ce dernier point est acquis d'avance au prisonnier, d'abord parce qu'il est l'accusé, et ensuite parce qu'on l'accuse de fraude et que la fraude ne se présume pas.

Quel était le crime de M. Hudon? Celui d'avoir refusé d'exiger d'un certain nombre d'individus qui se présentaient pour voter comme usufruitiers l'un des deux serments exigés par la loi. Que disait cette loi? Que le député officier-rapporteur exigerait la prestation d'un serment dont la forme était prescrite d'avance. Et qu'allait à dire cette forme de serment? Que la personne qui se présentait pour voter était propriétaire de l'immeuble décrit! Pour soutenir que M. Hudon aurait dû proposer cette formule de serment à un usufruitier, il faut soutenir qu'un usufruitier est propriétaire du fonds grevé d'usufruit. Cela est contraire au sens commun, à la définition de l'usufruit dans tous les auteurs et à ce que le monde entend par le mot usufruitier et par le mot propriétaire. Il est bien vrai que dans un certain sens l'usufruitier a droit aux

actions qui appartiennent au propriétaire, qu'il est lui-même propriétaire de son usufruit que les auteurs considèrent comme un immeuble fictif, mais rien de tout cela ne l'établit propriétaire du fonds, et rien de tout cela n'empêche que le mot usufruitier ne veuille dire une chose et que le mot propriétaire employé seul n'en signifie une autre. Quelle est en effet la définition de l'usufruit? C'est, dit le code français: "le droit de jouir des fruits d'un fonds dont un autre a la propriété." C'était aussi la définition des jurisconsultes du droit romain. M. Toullier range l'usufruit au nombre des servitudes personnelles avec l'usage et l'habitation. M. Proudhon dit "l'usufruitier est propriétaire de son droit d'usufruit; il est possesseur et même en possession civile de ce droit; il est détenteur à titre précaire de fonds dont il jouit; il est établi gardien de la chose et doit veiller à sa conservation; il est procureur fondé pour les actes dans l'exécution desquels ces (sic) intérêts sont invisiblement liés avec ceux du propriétaire." Détenteur, gardien de la chose, procureur fondé du propriétaire, il semble que tout cela ne veut pas dire propriétaire de la chose. "L'usufruitier, continue M. Proudhon, une fois mis en jouissance du fonds est un vrai possesseur; il a la possession civile de son usufruit, puisqu'il en jouit en vertu d'un titre légitime et comme propriétaire"..... "L'usufruitier n'a néanmoins que la qualité de détenteur du fonds dont il jouit à ce titre et cette proposition n'est pas en contradiction avec la précédente. Il faut en effet, comme nous l'avons déjà remarqué plusieurs fois, voir deux choses bien distinctes dans un fonds grevé d'usufruit; il faut y voir l'usufruit qui appartient à l'usufruitier; usufruit qui, par son maître, remplit les fonctions d'un immeuble particulier, civilement séparé et distinct du fonds; il faut y voir encore la nue propriété qui reste dans les mains du propriétaire."

Maintenant, s'agissait-il de faire jurer à un cultivateur quelconque de la Rivière-Ouelle qu'il était propriétaire d'une terre, ou de cet immeuble fictif, que l'on appelle un usufruit et dont la possession civile est séparée du fonds? N'y a-t-il pas quelque chose comme le langage qui est compris de tout le monde et dans ce langage-là, parlé de tout temps, et qui est aussi le langage de la loi des élections, le mot "propriétaire" et le mot "usufruitiers" ne s'emploient-ils pas constamment en contradiction l'un de l'autre? Et l'idée de proposer gravement au premier électeur venu de jurer qu'il est propriétaire, tandis qu'il sait très bien qu'il n'est qu'usufruitier, et cela, parce qu'Ulpianus aura dit que c'était jus in rem, tandis que Papinianus aura dit que c'était jus ad rem; cette idée n'est-elle pas à la fois cruelle et bouffonne? C'est cependant celle que de graves jurisconsultes soutiennent gravement dans cette chambre! (Ecoutez! Ecoutez!)

Dira-t-on que M. Hudon pouvait varier la formule du serment? Dira-t-on qu'il devait être plus sage que la loi, plus sage que les légistateurs (sic) qui lui font aujourd'hui son procès? Qu'il devait inventer une nouvelle formule? Les autorités en Angleterre disent au contraire que l'officier-rapporteur doit se renfermer dans les termes de la loi. Wordworth of election p. 25. "The oaths if required must be put in the very words of the act." Knapp et Ombler's --election cases-- "The three questions must be put in the very words of the act." Warren, manual of election laws. "This however would be a departure from the form prescribed by the act and the returning officer must be cautious."

On dit encore que M. Hudon trouvant un statut qui dit que l'électeur devra prêter l'un des deux serments, et l'électeur se trouvant dans l'impossibilité morale de prêter l'un ou l'autre de ces serments, il devait refuser son vote parce que quoique matériellement qualifié, il se trouvait dans l'impossibi[li]té de remplir une des conditions légales du vote. Une telle interprétation serait



monstr[u]euse en ce qu'elle irait à priver l'électeur de sa franchise. Dans le doute l'officier-rapporteur comme la chambre elle-même devait décider en faveur de la franchise, d'autant plus que dans le cas où il se tromperait, le comité sur l'élection contestée (sic) pourrait ... le vote, tandis que dans le cas contraire, le vote refusé ne peut pas être rétabli par le comité, et s'il est bon il se trouve perdu.

Le point sur lequel on insiste le plus, c'est que, sous prétexte d'admettre des usufruitiers, M. Hudon aurait admis des mineurs et des personnes qui avaient déjà voté une première fois. En point de fait, il n'y a qu'un seul fait de ce genre de prouvé par le témoignage de M. Taché, l'officier-rapporteur; encore n'est-il point positif et se contente-t-il de dire que cette personne avait l'apparence de ne pas avoir vingt-et-un ans. Il est prouvé, au contraire, que M. Hudon a renvoyé du poll un grand nombre d'individus qui lui paraissaient ne pas avoir l'âge requis ou qu'il savait avoir déjà voté. Mais lorsqu'un homme qu'il ne savait pas avoir voté, ou un homme qui avait l'apparence d'avoir l'âge requis, se présentait et insistait à voter comme usufruitier, la même formule de serment contenant toutes les diverses conditions du vote, il paraît que dans un petit nombre de cas il n'avait pas osé diviser cette formule du serment. Avait-il en effet le droit de diviser cette formule? Les autorités citées plus haut ne prouvent-elles pas, au contraire, qu'il ne le pouvait pas?

Mais en supposant que sur ce point et même que sur tous les autres points M. Hudon se soit trompé, la grande question que la chambre a à résoudre n'est point de savoir qui avait droit ou qui avait tort, mais bien s'il y avait ou non raison de douter.

Il semble que cette question, la seule qui s'élève réellement, est toute décidée, et décidée par la législature elle-même dans cette session. Elle a pourvu à l'insuffisance de la première loi; c'était déclarer cette insuffisance et justifier ceux que la loi insuffisante ou obscure avait pu fourvoyer. Mais il y a plus. Le statut ne dit point comme c'est le cas ordinairement, que des doutes ont existé, qu'il faut faire disparaître ces doutes, mais il dit nettement clairement que les termes précis du serment ne s'appliquent pas à un usufruitier. "Lorsqu'une personne (dit la nouvelle loi) offrira son vote en vertu d'une promesse de vente par écrit en sa possession depuis plus de douze mois, ou comme usufruitier, ou en toute autre qualité à laquelle les termes précis des serments prescrits (sic) par la loi ne s'appliquent pas, telle personne ne sera pas par là dispensée de prêter tout serment ou sermens suivant la véritable teneur et esprit de la loi; mais le député officier-rapporteur lorsqu'il fera prêter tel serment en changera les termes, pour qu'ils puissent s'appliquer au cas spécial, desquels serments spéciaux il sera fait mention dans le livre de poll; et les pénalités établies pour le parjure s'appliqueront à tout tel serment de la même manière qu'aux autres sermens en vertu de cette loi."

N'est-il pas clair que les députés officiers-rapporteurs ne pouvaient point changer la forme du serment avant que la loi leur dît de le faire? n'est-il pas clair qu'ils ne pouvaient pas inventer ces serments spéciaux que la nouvelle loi a prescrits? n'est-il pas clair enfin que les pénalités du parjure n'auraient pas pu s'appliquer aux serments spéciaux qu'ils se seraient avisés de faire prêter sous l'ancienne loi? Peut-on dire que M. Hudon est coupable de fraude et de corruption pour n'avoir pas voulu faire prêter aux usufruitiers des serments que la législature elle-même a déclaré ne pas s'appliquer à leur cas?

Les circonstances de toute l'affaire prouvent d'ailleurs clairement que M. Hudon était exempt de toute fraude et de toute corruption. Son opinion



n'était un mystère pour personne. M. Béchard et tous les autres témoins examinés disent qu'il avait toujours entretenu et exppimé (sic) cette opinion; il avait agi d'après cette opinion dans l'élection précédente; et, singulière et heureuse coïncidence, dans cette élection précédente, cette décision, au lieu d'être favorable à M. Letellier, avait été favorable à M. Chapais! Personne ne s'en était plaint. L'élection avait été contestée, et dans une longue et vigoureuse contestation devant un comité de cette chambre, M. Hudon n'avait reçu ni réprimande, ni censure pour sa manière d'agir. Devait-il s'attendre en persévérant dans cette consciencieuse opinion à être traité comme un criminel?

M. Chapais, la partie la plus intéressée dans l'affaire, vient de déclarer avec une franchise et une impartialité qui lui font honneur, que, bien que, sur le champ, il eût cru M. Hudon coupable de partialité, il est maintenant convaincu, en comparant sa conduite avec celle qu'il avait tenue dans l'élection précédente, qu'il avait agi d'après ses opinions consciencieuses. Un pareil témoignage était décisif, corroboré surtout comme il l'est par celui du solliciteur-général pour le Bas-Canada, et du commissaire des travaux publics, qui s'accordent à donner à l'accusé le meilleur caractère.

M. Chauveau termine en conjurant la chambre de ne pas abuser de son autorité, sous prétexte de maintenir des privilèges qui avaient déjà été suffisamment revendiqués par le jugement sévère rendu dans l'affaire du Saguenay; des privilèges qu'une législation nouvelle mettait pour l'avenir au-dessus de toute atteinte; de ne pas flétrir le caractère, de ne pas briser l'avenir professionnel d'un jeune homme exerçant dans une localité éloignée une profession honorable et difficile, gagnant par ses talents la vie d'une jeune famille; de ne pas le ruiner uniquement parce que, tout au plus, il aurait mal interprété une clause que la législature elle-même avait déclaré avoir été mal rédigée dans une [de] ces nombreuses lois qu'elle fait, rappelle et modifie avec tant de rapidité, et avec si peu de précautions.<sup>147</sup>

MR. WILSON could not admit the innocence of the party at the bar.<sup>148</sup> The law was sufficiently explicit, and ... the Returning Officer had clearly neglected his duty.<sup>149</sup> It was the duty of a returning officer to exercise some discretion, and he surely could have no scruple in administering an oath to a party who came the second or third time to vote, or to a boy of 15 or 16 who claimed to vote as of full age. At the same time he hoped the gallant knight would deal with this gentleman with comparative leniency, considering that he had discharged without question others far more guilty. (Hear, hear.)<sup>150</sup>

MR. FELTON remarked that the evidence adduced also went to shew that Hudon had admitted people to vote from another County and to vote several times.<sup>151</sup>

MR. A. DORION (Montreal) spoke at some length in defence of Hudon, maintaining that if he had really done anything wrong it was only an error of judgment.<sup>152</sup>

After some further discussion in which MR. LORANGER ... took part, the motion was carried.<sup>153</sup>

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*The Honorable Sir Allan N. MacNab moved, seconded by the Honorable Mr. Attorney General Drummond, and the Question being put, That Joseph Magloire Hudon, Esquire, Deputy Returning Officer for the Parish of Rivière Ouelle, at the late General Election for the County of Kamouraska, was privy to the fraudulent and illegal inscribing of names on the Poll-book of the said Parish, and in refusing to administer the oaths to voters when duly required so to do, and that he has*

thereby been guilty of a misdemeanor and of a gross breach of the privileges of this House; the House divided: and the names being called for, they were taken down, as follow:--

## YEAS.

Messieurs Aikins, Bellingham, Biggar, Brodeur, Cartier, Cauchon, Chisholm, Christie, Clarke, Cook, Crawford, Crysler, DeWitt, Attorney General Drummond, Dufresne, Felton, Ferrie, Foley, Frazer, Hartman, Hincks, Laporte, Lumsden, Macbeth, John S. Macdonald, Mackenzie, Sir A.N. MacNab, Matheson, Mattice, Meagher, Munro, Patrick, Poulin, Rankin, Solicitor General Ross, James Ross, Solicitor General Smith, Somerville, Spence, and Whitney.--(40.)

## NAYS.

Messieurs Alleyn, Bourassa, Bureau, Chauveau, Charles Daoust, Darche, Dionne, Dostaler, Octave C. Fortier, Guévremont, Huot, Jobin, Labelle, Laberge, Loranger, Roderick McDonald, Marchildon, Masson, Mongenais, Papin, Pouliot, Prévost, Taché, Turcotte, and Valois.--(25.)

So it was resolved in the Affirmative.

The Honorable Sir Allan N. MacNab moved, seconded by the Honorable Mr. Attorney General Drummond, and the Question being proposed, That the said Joseph Magloire Hudon be, for the said offence, committed to the Common Gaol of the

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District of Quebec, for the term of ten days, and that the Speaker do issue his Warrant accordingly;

MR. POULIOT moved in amendment, that the said J.M. Hudon be reprimanded.<sup>154</sup>

MR. BROWN said he would have supported the motion of the gallant knight but for the difficulty in which they were placed by the leniency which the hon. gentleman had shown to parties still more guilty, who had been discharged without punishment.<sup>155</sup>

MR. PRES. EX. COUN. MACNAB.--The hon. gentleman knows very well that those other parties reported the facts as to the fictitious votes being inscribed on their polling books, and that that is the reason of their being discharged.<sup>156</sup>

MR. BROWN asked if a man committed a murder, and made a special report of it, would that make the murder less? They all knew what had happened in 1844, when the returning officers got instructions how to act--to return government candidates by fraud or force--always with the protection of special returns. And the result was that the creatures of those returning officers and their political allies having the selection of the Election Committees which were to try the contested elections, the freedom of election was made a perfect nullity. He did not think, therefore, that the addition of a special return made the crime the less and while admitting his deep culpability and the justice of a heavy punishment, he was unwilling to send this man ten days to the common gaol for a far less offence than others of different politics had committed, who escaped punishment altogether. The House had fixed the proper punishment of a Returning Officer who allows a man to vote twenty times at the same election to be a--discharge. Mr. Hudon was infinitely less guilty and a severe reprimand would perhaps make a more salutary impression than so partial an imprisonment.<sup>157</sup>

The amendment was rejected<sup>158</sup>.

(673)

Mr. Pouliot moved in amendment to the Question, seconded by Mr. Felton, That all the words after "be" to the end of the Question be left out, in order to add the words "reprimanded" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Alleyn, Biggar, Bourassa, Brodeur, Brown, Bureau, Chapais, Chauveau, Charles Daoust, Darche, Dionne, Antoine A. Dorion, Dostaler, Dufresne, Felton, Octave C. Fortier, Guévremont, Huot, Jobin, Labelle, Laberge, Laporte, Loranger, Roderick McDonald, Marchildon, Masson, Papin, Poulin, Pouliot, Prévost, Taché, Turcotte, and Valois.--(33.)

NAYS.

Messieurs Aikins, Bellingham, Cartier, Cauchon, Chisholm, Clarke, Cook, Crawford, Crysler, DeWitt, Attorney General Drummond, Ferrie, Foley, Frazer, Hartman, Hincks, Larwill, Lumsden, Macbeth, John S. Macdonald, Attorney General Macdonald, Mackenzie, Sir A.N. MacNab, Matheson, Mattice, Meagher, Munro, Patrick, Robinson, Solicitor General Ross, James Ross, Solicitor General Smith, Somerville, Spence, and Whitney.--(35.)

So it passed in the Negative.

And the Question being again proposed, That the said Joseph Magloire Hudon be, for the said offence, committed to the Common Gaol of the District of Quebec, for the term of ten days, and that the Speaker do issue his Warrant accordingly;

On motion of Mr. Dufresne, seconded by the Honorable Mr. Chauveau, the Question was amended, by leaving out the words "ten days" and inserting "twenty-four hours" instead thereof.

MR. AT. GEN. DRUMMOND said that the sense of the House being so nearly balanced he thought they should rather lean to the side of mercy, the Government therefore would not resist the amendment. (Hear, hear.)<sup>159</sup>

(673)

Then the main Question, so amended, being put;

Ordered, That the said Joseph Magloire Hudon be, for the said offence, committed to the Common Gaol of Quebec, for the term of twenty-four hours, and that the Speaker do issue his Warrant accordingly.

Then, on motion of the Honorable Mr. Cauchon, seconded by Mr. Whitney,  
The House adjourned.

APPENDIX: 12 MARCH 1855.

[NOTICE OF MOTION: BILL CONCERNING CIRCUIT OF ARTHABASKA.]

MR. J. DORION (Drummond et Arthabaska) [donne avis que] mercredi prochain [il fera motion pour un] Bill pour étendre les limites du circuit d'Arthabaska et en changer le chef-lieu.<sup>160</sup>

[NOTICE OF QUESTION RE: BULSTRODE ROAD IN THE EASTERN TOWNSHIPS.]

MR. J. DORION [donne avis que] jeudi prochain [il] demandera au ministère si c'est l'intention du gouvernement de faire terminer le chemin de Bulstrode, afin de rendre praticable la voie de pratisation (sic) la plus directe entre la ville des Trois-Rivières et une très grande partie des townships de l'Est, et faciliter l'établissement des terres incultes.<sup>161</sup>

[NOTICE OF QUESTION RE: WAR OF 1812.]

MR. HUOT [donne avis que] jeudi prochain [il] demandera au gouvernement pourquoi il ne distribue point à ceux des miliciens blessés en Canada dans la guerre de 1812, entre les Etats-Unis d'Amérique et l'Angleterre, incapables de travailler et de gagner leur vie en raison de leurs blessures, la somme d'argent qui leur a été accordée comme pension par le gouvernement provincial.<sup>162</sup>

[QUESTION AND ANSWER RE: ROADS.]

MR. DUFRESNE asked if ministers intended to change the system of making roads to new settlements<sup>163</sup>, either by offering them to public competition, or by the appointment of Commissioners, or in any other manner than that in which they are now made.<sup>164</sup>

MR. AT. GEN. DRUMMOND said ministers did not intend to do so; no complaint had been made; the present system was deemed more economical.<sup>165</sup>

[WITHDRAWN MOTION RE: ADDRESS CONCERNING INDIAN TREATY LANDS.]

MR. ROBINSON moved an address to his Excellency the Governor General, praying that he will be pleased to cause measures to be taken, without further delay, for carrying into effect the Act passed during the last Session of the Legislature, for administering justice in the territory acquired by treaty with the Indians on the North Shore of Lakes Huron and Superior, and also for surveying and settling the wild lands in such part of that territory as may, on examination, be found fit for settlement.<sup>166</sup>

MR. PRES. EX. COUN. MACNAB said the whole subject was under the consideration of the Government, with the view of immediate action being taken in the matter.<sup>167</sup>

MR. RANKIN said there was nothing in the circumstances of the Lake Superior district to justify the appointment of judges.<sup>168</sup>

The motion was then withdrawn.<sup>169</sup>

[WITHDRAWN MOTION RE: ADDRESS FOR DOCUMENTS ON CONSTITUTION OF LEGISLATIVE COUNCIL.]

MR. FOLEY moved an Address to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House copies of all



correspondence which has taken place between the Imperial and Provincial Governments since November last on the subject of any alteration in the constitution of the Legislative Council of this Province, and all correspondence in relation to the recent appointments made to that Honourable Body. (March 9.) In moving the above Mr. F. said he had been given to understand that certain correspondence had taken place, the effect of which was entirely to alter the principle contended for by the late Government as applicable to the election of Legislative Councillors, altering it too through the intervention of the Imperial Government. With regard to the second part of this motion, it had appeared singular to many that an appointment should be made of a gentleman (Mr. Seymour) who at the last general election was defeated in his attempt to get a seat in this House. And after the election having entered into a contest to unseat the sitting member (Mr. Roblin) it did seem strange that he suddenly abandoned that contest, and immediately afterwards was elevated to a seat in the Legislative Council (Hear, hear.) These matters, he thought, required some information.<sup>170</sup>

MR. PRES. EX. COUN. MACNAB said there had been no correspondence between the Imperial and Provincial Governments on the subject. In regard to the gentleman who had been specially referred to by Mr. Foley, that gentleman had been a member of Parliament for the last 12 or 13 years, and he thought his selection a very proper one.<sup>171</sup>

MR. J.S. MACDONALD (Glengary) said the chief difficulty the late Administration had experienced in dealing with the question of the Legislative Council, was how to dispose of those who were life members, and it did seem strange that the present administration should have increased that difficulty by adding to the number of life members. (Hear, hear.)<sup>172</sup>

MR. FOLEY then withdrew his motion.<sup>173</sup>

[WITHDRAWN RESOLUTION RE: UNIVERSITY OF TORONTO AND UPPER CANADA COLLEGE.]

The next item on the notice paper was Hon. Mr. Cameron's resolution for the restoration of the faculties of Law and Medicine to the University of Toronto, and of the Endowment Board for the management of the proprieties of the said University, and Upper Canada College, and of the Council of Upper Canada College.<sup>174</sup>

MR. PRES. EX. COUN. MACNAB said it was the intention of the Government to take that matter up.<sup>175</sup>

Hear, hear, from MR. BROWN.<sup>176</sup>

MR. CAMERON, on the understanding that the Government were to assume the responsibility, dropped his resolution.<sup>177</sup>

FOOTNOTES: 12 MARCH 1855.

1. GLOBE, 22 March 1855.
2. IBID.
3. LE PAYS, 17 March 1855.
4. LE PAYS, 17 March 1855. As the reader may have noted, LE PAYS, 17 March 1855, reports that the difficulties were between the seignior of Beauharnois and certain inhabitants of Huntingdon and Chateauguay. The JOURNALS report the dispute was between the Seignior of Beauharnois and the inhabitants of Russelltown. The confusion may be explained by the fact that Russelltown lies in the County of Huntingdon.
5. LE PAYS, 17 March 1855.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. GLOBE, 22 March 1855.
18. HAMILTON SPECTATOR, 21 March 1855.
19. GLOBE, 22 March 1855.
20. HAMILTON SPECTATOR, 21 March 1855.
21. GLOBE, 22 March 1855.
22. MORNING CHRONICLE, 14 March 1855.
23. GLOBE, 22 March 1855.
24. MORNING CHRONICLE, 14 March 1855.
25. GLOBE, 22 March 1855.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. HAMILTON SPECTATOR, 21 March 1855.
32. IBID.
33. GLOBE, 22 March 1855.
34. HAMILTON SPECTATOR, 21 March 1855.
35. IBID.
36. MORNING CHRONICLE, 14 March 1855.
37. HAMILTON SPECTATOR, 21 March 1855.
38. GLOBE, 22 March 1855.
39. HAMILTON SPECTATOR, 21 March 1855.
40. GLOBE, 22 March 1855.
41. HAMILTON SPECTATOR, 21 March 1855.
42. GLOBE, 22 March 1855.
43. IBID.
44. IBID.
45. IBID.

46. IBID.
47. MORNING CHRONICLE, 14 March 1855.
48. GLOBE, 22 March 1855.
49. MORNING CHRONICLE, 14 March 1855.
50. GLOBE, 22 March 1855.
51. HAMILTON SPECTATOR, 21 March 1855.
52. IBID.
53. IBID.
54. IBID.
55. IBID.
56. IBID.
57. GLOBE, 22 March 1855.
58. HAMILTON SPECTATOR, 21 March 1855.
59. GLOBE, 22 March 1855.
60. HAMILTON SPECTATOR, 21 March 1855.
61. GLOBE, 22 March 1855.
62. HAMILTON SPECTATOR, 21 March 1855. In speaking of the Corruption Committee members, this newspaper names Mr. Robinson as the "Grand Trunk man", and it does not mention Mr. Crawford's allegiance. GLOBE, 22 March 1855, however, names Mr. Crawford as the "Grand Trunk man" and Mr. Robinson as a member of the "old family compact".
63. GLOBE, 22 March 1855.
64. HAMILTON SPECTATOR, 21 March 1855.
65. GLOBE, 22 March 1855.
66. HAMILTON SPECTATOR, 21 March 1855.
67. GLOBE, 22 March 1855.
68. IBID.
69. HAMILTON SPECTATOR, 21 March 1855.
70. MORNING CHRONICLE, 14 March 1855.
71. HAMILTON SPECTATOR, 21 March 1855.
72. GLOBE, 22 March 1855.
73. HAMILTON SPECTATOR, 21 March 1855.
74. GLOBE, 22 March 1855.
75. HAMILTON SPECTATOR, 21 March 1855.
76. GLOBE, 22 March 1855.
77. HAMILTON SPECTATOR, 21 March 1855.
78. GLOBE, 22 March 1855.
79. HAMILTON SPECTATOR, 21 March 1855.
80. GLOBE, 22 March 1855.
81. HAMILTON SPECTATOR, 21 March 1855.
82. GLOBE, 22 March 1855.
83. IBID.
84. MORNING CHRONICLE, 14 March 1855.
85. GLOBE, 22 March 1855.
86. HAMILTON SPECTATOR, 21 March 1855.
87. GLOBE, 22 March 1855.
88. MORNING CHRONICLE, 14 March 1855.
89. IBID.
90. GLOBE, 22 March 1855.
91. HAMILTON SPECTATOR, 21 March 1855.
92. GLOBE, 22 March 1855.
93. IBID.

94. MORNING CHRONICLE, 14 March 1855.
95. GLOBE, 22 March 1855.
96. MORNING CHRONICLE, 14 March 1855.
97. GLOBE, 22 March 1855.
98. MORNING CHRONICLE, 14 March 1855.
99. GLOBE, 22 March 1855.
100. HAMILTON SPECTATOR, 21 March 1855.
101. GLOBE, 22 March 1855.
102. HAMILTON SPECTATOR, 21 March 1855.
103. GLOBE, 22 March 1855.
104. IBID.
105. IBID.
106. IBID.
107. MORNING CHRONICLE, 14 March 1855.
108. GLOBE, 22 March 1855.
109. MORNING CHRONICLE, 14 March 1855.
110. HAMILTON SPECTATOR, 21 March 1855.
111. GLOBE, 22 March 1855.
112. IBID.
113. MORNING CHRONICLE, 14 March 1855.
114. GLOBE, 22 March 1855.
115. MORNING CHRONICLE, 14 March 1855.
116. GLOBE, 22 March 1855.
117. IBID.
118. IBID.
119. IBID.
120. MORNING CHRONICLE, 14 March 1855.
121. IBID.
122. GLOBE, 22 March 1855.
123. IBID.
124. IBID.
125. IBID.
126. IBID.
127. IBID.
128. IBID.
129. HAMILTON SPECTATOR, 21 March 1855.
130. IBID.
131. GLOBE, 22 March 1855.
132. IBID.
133. IBID.
134. HAMILTON SPECTATOR, 21 March 1855.
135. IBID.
136. IBID.
137. MORNING CHRONICLE, 14 March 1855.
138. GLOBE, 22 March 1855.
139. HAMILTON SPECTATOR, 21 March 1855.
140. GLOBE, 22 March 1855.
141. MORNING CHRONICLE, 14 March 1855.
142. GLOBE, 22 March 1855.
143. IBID.
144. HAMILTON SPECTATOR, 21 March 1855.



145. TORONTO DAILY LEADER, 20 March 1855, adds in its commentary that "the House was occupied for three hours" in this discussion.
146. GLOBE, 22 March 1855.
147. LE PAYS, 17 March 1855. The first set of ellipses in Mr. Chauveau's speech represents illegible words. The second set are replicated as per LE PAYS, 22 March 1855. The third set of ellipses represents an illegible word.
148. GLOBE, 22 March 1855.
149. TORONTO DAILY LEADER, 19 March 1855.
150. GLOBE, 22 March 1855.
151. MORNING CHRONICLE, 14 March 1855.
152. GLOBE, 22 March 1855.
153. MORNING CHRONICLE, 14 March 1855.
154. GLOBE, 22 March 1855.
155. IBID.
156. IBID.
157. IBID.
158. IBID.
159. IBID.
160. LE PAYS, 15 March 1855.
161. IBID.
162. IBID.
163. Telegraph (GLOBE, 13 March 1855).
164. TORONTO DAILY LEADER, 19 March 1855.
165. Telegraph (GLOBE, 13 March 1855).
166. TORONTO DAILY LEADER, 19 March 1855.
167. IBID.
168. IBID.
169. IBID.
170. GLOBE, 22 March 1855.
171. IBID.
172. GLOBE, 22 March 1855. MORNING CHRONICLE, 14 March 1855, reports a brief version of this withdrawn motion, however, there is no account of Mr. J.S. Macdonald's remark. Instead, MORNING CHRONICLE, 14 March 1855, reports a very similar comment within Mr. Foley's speech. The comment is reprinted below for the reader's consideration:  
 "... the chief difficulty in the proposed change was understood to arise from the existence of a number of life members; nowt (sic) the increase of this number was certainly not the best means of getting over that difficulty."
173. GLOBE, 22 March 1855.
174. IBID.
175. IBID.
176. TORONTO DAILY LEADER, 19 March 1855.
177. GLOBE, 22 March 1855.

TUESDAY 13 MARCH, 1855.

(673)

THE Serjeant-at-Arms attending this House reported, That in obedience to Mr. Speaker's Warrant, he had lodged the body of Joseph Magloire Hudon in the Common Gaol of the District of Quebec.

(674)

The following Petitions were severally brought up, and laid on the table:--

By Mr. Larwill,--Eight Petitions of the Municipal Council of the County of Kent.

By Mr. Papin,--The Petition of the Corporation of the College of L'Assomption; and the Petition of the Reverend Féréol Dorral and others, of L'Assomption.

By Mr. Dionne,--The Petition of James Dall and others, of Temiscouata, Censitaires.

By the Honorable Sir Allan N. MacNab,--The Petition of W.P. Patrick, Chief Office Clerk, Legislative Assembly; and the Petition of the Hamilton Mercantile Library Association.

By Mr. Pouliot,--The Petition of the Municipal Council of the County of Bellechasse.

By the Honorable Mr. Cartier,--The Petition of the Reverend H.L. Girouard and others, of the County of Bagot; the Petition of Amable Dion and others, of the County of Bagot; and the Petition of the Soeurs de la Congrégation, Directresses of the Convent of St. Hyacinthe.

By Mr. DeWitt,--The Petition of the Reverend E. Patterson and others, of the Town of Stratford, in the County of Perth.

By Mr. Solicitor General Ross,--The Petition of E. Duchesnay, Esquire, and others, School Commissioners, and others, of the Parish of Ste. Marie, County of Beauce.

By Mr. Thomas Fortier,--The Petition of the Reverend J. Harper, Curé, and others, of the Parish of St. Grégoire; and the Petition of the Reverend C. Marquis, Curé, and others, of the Parish of St. Célestin.

Ordered, That the Petition of George James Gale and others, Clerks and Bailiffs of Division Courts, County of Grey, be referred to the Select Committee to which was referred the Bill to extend the Jurisdiction of Division Courts in Upper Canada.

Resolved, That a Message be sent to the Honorable the Legislative Council, to request that their Honors will be pleased to give leave to the Honorable Etienne Paschal Taché and the Honorable Joseph Legaré to appear and give evidence before the Select Committee of this House to which is referred the Petition of George Okill Stuart, Esquire, and others, complaining of the undue Election and Return of Jean Blanchet, Esquire, Charles Alleyn, Esquire, and the Honorable Jean Chabot, to represent the City of Quebec.

Ordered, That Mr. Fergusson do carry the said Message to the Legislative Council.

Mr. Hartman, from the Standing Committee on Standing Orders, presented to the House the Twenty-first Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of Charles Symmes and others, of the County of Ottawa, for an Act of Incorporation to build an Academy at Aylmer; of the Very Reverend Edouard Joseph Crevier, V.G., and Curé of Ste. Marie de

*Monnoir, for incorporation of La Communauté des Dames de la Providence de St. Hyacinthe; of Robert Gillespie and others, for incorporation as Trustees of an Academy to be established at Abbottsford; and of the City of Kingston Water Works Company, for an increase of their Capital Stock, but with no extension of their powers. Your Committee are of opinion that none of these applications are of a nature requiring the publication of Notice.*

(675)

*Ordered, That the Honorable Mr. Cameron, Mr. Sanborn, and Mr. Huot, be added to the Standing Committee on Miscellaneous Private Bills.*

*Ordered, That Mr. Flint have leave of absence for one month, on important private business.*

MR. SOL. GEN. H. SMITH moved to add the names of the Hon. Messrs. Cartier and Cauchon, and those of Messrs. Bellingham and Morrison (Niagara) to the Standing Committee on Railways, Canals, and Telegraph lines.<sup>1</sup>

MR. LARWILL said Mr. Lemieux had objected yesterday to his reappointment on the Corruption Committee, from want of time to apply himself to its duties. How could he find time then for the Railroad Committee? (Hear, hear.) Mr. Cartier he objected to as the Solicitor for the Grand Trunk, and Mr. Morrison as being personally interested to a great extent in railroad matters. And Mr. Bellingham had sat during the early part of the session on the Railroad Committee, although it had been found afterwards that he had no right to a seat in the House himself, while the great railroad interests of the West were left almost entirely unrepresented, it being with the greatest difficulty that the member for Essex (Mr. Rankin) had been got placed on the Committee.<sup>2</sup>

The motion was then agreed to without further opposition.<sup>3</sup>

(675)

*Ordered, That the Honorable Mr. Cartier, the Honorable Mr. Cauchon, Mr. Bellingham, and Mr. Joseph Curran Morrison, be added to the Standing Committee on Railroads, Canals, and Telegraph Lines.*

MR. PRES. EX. COUN. MACNAB moved for leave to introduce a Bill to regulate the Militia of this Province, and to repeal the laws now in force regulating the same. In doing so, he alluded to the very great importance of the Bill at a period like the present, when the great Empire to which we belonged was struggling with a powerful foe, and was calling away the forces at her disposal from every part of the Empire. In these circumstances it was right and proper that preparations should be made here for placing the Militia of the Province in such a state, that, if necessity required their services, they would as on all former occasions prove a credit to themselves and an honour to their country. From all he had read in the newspapers, and from conversations with many hon. members in this House, he was glad to see that the Report of the Commissioners, on which this Bill was founded, had been very favourably received.<sup>4</sup> Il dit qu'il a fait partie de la commission qui a préparé le rapport soumis dernièrement à cette chambre sur ce sujet, et il espère que le bill qu'il soumet aujourd'hui rencontrera l'approbation de tout le monde.<sup>5</sup> It was scarcely necessary just now to go into the details of the Bill, but he might remark that the Sedentary Militia would be divided into two classes, one the Service men embracing all bachelors between the ages of 18 and 40, and the remainder Reserve men. Of the bachelors and widowers not having children, between the ages of 18 and 40 there were in Upper Canada, he almost blushed to say it, no fewer than 117,000<sup>6</sup> [OR] 119,000<sup>7</sup>. (Laughter.) In Lower Canada things were in a better



state in that respect, the number of that class being only 72,000, making together a force of 189,000 men. The Commissioners also recommended the establishment of a volunteer corps, its having been generally considered that one volunteer was worth a dozen pressed men.<sup>8</sup> He hoped that the Government would be enabled by the spirit of patriotism which pervaded the House and the Country to carry the Militia Bill safely and speedily through all its stages.<sup>9</sup>

MR. POWELL knew that the time had not arrived for making any remarks upon the Bill which the honorable and gallant leader of Government had introduced to the House. But he could not<sup>10</sup> allow the motion to pass without recording his testimony as to the efficient manner in which the Commission had discharged the duty devolving upon them. No better evidence of this could be found than the manner in which their Report had been received by the Press throughout the length and breadth of the land.<sup>11</sup> In no Country had the press more freedom than in this, and it was not only free but it was conducted with ability and intelligence.<sup>12</sup> The Press might be considered as the highest authority in giving expression to public opinion that could be looked to, and in this respect might be compared favourably with the Legislative Assembly itself. He found then that the Press had spoken out almost universally in favour of this report, with one exception, that of the Montreal Herald, a paper, which, however high its standing in a commercial point of view, was rather chameleon in its politics, and could be cited on either side of all the great political questions of the day, and he did not, therefore, attach much weight to its dissent.<sup>13</sup> He had not the slightest notion as to whether or no the bill would be looked upon as a political question.<sup>14</sup> He repeated the hope of the gallant knight that this would not be made a political question<sup>15</sup>. He hoped that it would not be forgotten that it involved the rights and privileges of the people, and trusted that the Opposition would not regard it as a political measure but would carry it through in that manner which was best calculated to meet the interests it was intended to subserve. If any fault had been found with the Bill that fault was with its general features only.<sup>16</sup> It had been feared before the report came out that the commission would recommend a standing army consisting of two or three regiments. That would have been perfectly useless as a defence against attack, whereas the present bill would enable the Province to maintain the militia system in an efficient state.<sup>17</sup> With regard to the police force, he would only remark that it was very much wanted.<sup>18</sup> It had long been felt that the organization of the police in the cities--especially of Lower Canada had been utterly useless, in consequence of the presence of local and political influences--on that topic he need only refer to events, in this city, Quebec, within a few months<sup>19</sup> [OR] within the past twelve months<sup>20</sup>. He saw from the report that it was not intended to increase greatly the present cost of the police force and he believed, considering that the cost of the constabulary in Upper Canada would be done away with, that they would not increase ti (sic) at all.<sup>21</sup> This, however, was not the proper time to express an opinion. He would merely repeat that a universal feeling of gratitude pervaded the province for the introduction of a measure founded on a report which reflected the highest credit on the leader of the government.<sup>22</sup>

MR. A. DORION (Montreal) agreed with the hon. Premier, that this question was one of the greatest importance to the country, but he thought the time for discussing the merits of the present Bill had not yet arrived. There was another measure, however, of very great importance, which had been long desired and asked for by the country, and which had been introduced into this House a



considerable time ago. He alluded to the Legislative Council Bill, and he asked why was there so much delay in proceeding with that measure, which, it had been announced by the late Commissioner of Crown Lands, and by the Premier himself, would be taken up in a certain order. Several questions had been put to the Ministry since the opening of this part of the session, but he did not find that any satisfactory answer had been given whether the measure was to be proceeded with or not. He thought some explanation on this point was due from the Ministry, especially after the changes which had recently taken place in the personelle (sic) of the Administration. They knew that two of the new members had expressed their opinions against a measure of this kind, and the House ought to know on what principles they had taken office in connection with that question. The House should be informed whether the Provincial Secretary still insisted on his aristocratic principle of a £2000 qualification for members of Legislative Council, and whether the Commissioner of Crown Lands had or had not abandoned his opposition to an Elective Council.<sup>23</sup> The hon. Provin[c]ial Secretary had never given an explanation--probably, because, as he jocularly remarked to a member on this side of the house, he had lost his ovic (sic).<sup>24</sup> The part of the country he (Mr. D.) came from, waited with the deepest anxiety those explanations, and the gallant knight ought to state whether he had abandoned the measure entirely, or whether he intended to proceed with it in the order formerly announced.<sup>25</sup> Il serait pourtant plus important pour le pays que la question du Conseil Législatif soit réglée, plutôt que d'organiser la milice.<sup>26</sup>

MR. PRES. EX. COUN. MACNAB said it was the intention of the Government to go on with the Legislative Council Bill as fast as they possibly could.<sup>27</sup>

MR. HOLTON--Why the bill was printed before the adjournment.<sup>28</sup>

MR. BROWN.--It was printed three months ago.<sup>29</sup>

MR. PRES. EX. COUN. MACNAB.--Perhaps so. I have not had charge of the Bill. It was in the hands of the late Commissioner of Crown Lands who has now been made a Judge.<sup>30</sup>

MR. HOLTON--What does that matter, if there is no change of measures<sup>31</sup> [OR] is there to be any change in the principles of the Bill?<sup>32</sup>

MR. PRES. EX. COUN. MACNAB.--Is that a fair question? I assure the House and country that it is the intention of the Government to come down with that Bill.<sup>33</sup>

MR. J.S. MACDONALD (Glengarry).--When?<sup>34</sup>

MR. PRES. EX. COUN. MACNAB.--At a quarter past three o'clock on--some Government day. (Laughter.)<sup>35</sup>

MR. J.S. MACDONALD thought the country should know what this bill was to be. Members wanted to discuss it with their constituencies.<sup>36</sup>

MR. PRES. EX. COUN. MACNAB--So you shall.<sup>37</sup>

MR. J.S. MACDONALD (de Glengary) dit qu'il n'y a pas seulement que le bill du Conseil Législatif qui est différé; il y a encore le bill du Grand Tronc; qu'en fait-on?<sup>38</sup> He ventured to predict, and he was satisfied his prediction would be verified by the event that the Bill would be brought down at such a period of the Session, that it would have to be thrown over till the following Session. (Hear, hear.) The Government would say it was a most important measure and the country ought to have time to consider it, and that it should not be

pressed through at the fag end of a session, and the result of it would be that it would hang over for another year. The Government were much more anxious to press through this Militia Bill in which they are particularly interested themselves (hear, hear,) than they were in going on with the Legislative Council Bill, in which the country were far more deeply interested, and which had been promised to be gone on with in a particular order.<sup>39</sup> Il pense qu'on a le droit de douter de la sincérité du gouvernement relativement à ces grandes mesures demandées par le peuple, quand on le voit les remettre continuellement d'un jour à l'autre, et le pays attend depuis si longtemps qu'il faut enfin que le gouvernement dise quelles sont ses intentions. Il croit donc que le membre pour Montréal (M. Dorion) a bien raison de demander de nouvelles explications au gouvernement.<sup>40</sup> There ought to be the least possible delay in proceeding with a Bill which altered so fundamentally the constitution of the other Branch of the Legislature, which this House had already declared to be incompetent to represent the wishes of the people of the country.<sup>41</sup> Quant à l'organisation de la milice, quelque importante que cette mesure puisse paraître au ministère, il pense que les mesures qu'on promet depuis si longtemps sont plus pressantes, et qu'elles devraient passer avant.<sup>42</sup> He feared the gallant knight would find himself much mistaken if he fancied, with his hon. friend from Carleton, that in either Upper or Lower Canada public opinion was so strongly in favour of it.<sup>43</sup> It would be found that there would be much more objection to it in Upper Canada than some gentlemen seemed to believe.<sup>44</sup> That a better organization of the Militia was wanted might be admitted, but the success of this particular scheme of the Government was more than questionable.<sup>45</sup>

MR. AT. GEN. DRUMMOND said it was not to be wondered at that the hon. member for Glengarry coming from among a people gifted with the second sight, should deal in prophecies. (Laughter.) But, however correct some of his predictions might have been, he was satisfied that this one would turn out incorrect. He denied that the Government had any intention of postponing this measure. There was no difference of opinion among the members of the Government as to the principle of the measure, but the same determination to carry it out that ever there was. He thought it strange, however, that a statesman of so much experience as the hon. member for Glengarry should tell the House that a measure tending to change the whole organization of our Government, our whole constitution in fact, did not require much more deliberation than a measure for reorganizing (sic) the militia.<sup>46</sup>

MR. J.S. MACDONALD.--Was it not ready and read a first time three months ago?<sup>47</sup>

MR. AT. GEN. DRUMMOND.--It was, but the hon. gentleman should know that there is no one who feels the responsibility of carrying a great measure through this House--that could take up a measure concocted by another and carry it through in precisely the same words, unless he had had full time to examine every sentence and weigh every word. Mr. Morin having withdrawn from the Ministry, it devolved upon some other member of the government to take charge of the measure, but it was not to be expected that it should be introduced again word for word as it originally stood. As to the delay, it was necessary that all the members of the Government should be consulted in regard to the Bill,<sup>48</sup> to offer their suggestions and give their opinions,<sup>49</sup> and it was only within the last 8 or 10 days, that they have had the valuable assistance of the hon. member for Vercheres in considering it. But he again repeated that it would be brought down in a few days and he hoped the House would assist the Government in carrying it through this Session.<sup>50</sup>

MR. HOLTON.--This much we may infer from the statement of the Hon. Attorney General, that, notwithstanding the emphatic denial of the gallant knight that the recent change in the administration involved any change of principle, the Elective Legislative Council Bill, as introduced by Mr. Morin, has been abandoned. That Bill, the Attorney General admits, has been withdrawn, and another is being concocted. (Hear, hear). The Attorney General says it is impossible for one gentleman to take charge of another's Bill without giving it a vast amount of consideration. But in how striking contrast with this declaration was the course of the hon. gentleman in relation to another measure, the Segoiorial (sic) Bill. (Hear, hear). The Attorney General carried that Bill after long and full discussion through this House. From the other House it came back entirely changed, an entirely new Bill concocted by an outside Committee, and yet the hon. gentleman was ready to carry that new measure, affecting so fundamentally the whole tenure of land in Lower Canada--to carry it through this House on two hours notice. (Hear, hear). But this Legislative Council Bill which he must have assisted his colleague in preparing, and which he has had before him printed for the last three months, he is not even yet prepared to go on with, until he has deliberately weighed every word of it.<sup>51</sup> As to the Militia Bill that measure was one of so much importance that it required the fullest consideration from the House, and all correspondence connected with that measure should be laid on the table.<sup>52</sup>

MR. AT. GEN. DRUMMOND.--As to the Se[i]gniorial Bill which came down from the Upper House, it was by sitting up night after night that I was enabled to make myself master of every line of it. I assisted that committee, and there was not an expression in that Bill that I did not understand thoroughly, and most of it was drawn up with my own hand when I found that the committee were determined to take a certain course.<sup>53</sup> He adapted that bill as much as he could to his own views, but when he could not carry them--submitted to the Committee's Report.<sup>54</sup>

MR. HOLTON.--I am quite aware of the hon. gentleman's grasp of intellect when he brings it to bear on any given subject. But he has proved the point against himself. If he could master the details of an entirely new Bill on so important a subject as the Seigniorial Tenure in the short space of four or five days, he might surely have succeeded in the space of three months in qualifying himself to take charge of the Legislative Council Bill, which he had himself assisted in preparing. (Hear, hear.)<sup>55</sup>

MR. AT. GEN. DRUMMOND repond qu'il connaissait le bill seigneurial parce qu'il l'étudiait depuis quatre ou cinq ans, et qu'il était préparé pour tous les changemens qu'on pourrait faire sur ce sujet.<sup>56</sup> I never took so much interest in the Legislative Council Bill as in the Seigniorial Bill, and have not given it nearly so much study. If public opinion is in favour of an Elective Legislative Council I do not think that public opinion in regard to that matter is correct<sup>57</sup>.

Ironical Hear, hear from the opposition.<sup>58</sup>

[MR. AT. GEN. DRUMMOND continued:] I will bow to public opinion, in its demand for this Bill but I am not prepared to take charge of it. I could never pretend to carry such a measure through this House in a way to satisfy myself, because my heart and soul would not be in it.<sup>59</sup>

Hear, hear from the opposition.<sup>60</sup>



[MR. AT. GEN. DRUMMOND continued:] I do think it is rather a dangerous experiment. At the same time the whole country demands it, or seems to demand it, and I am bound to yield to public opinion on that point, but not being thoroughly convinced of the propriety of this organic change in our constitution, I do not intend to take charge of the measure.<sup>61</sup>

MR. BROWN.--I believe the Attorney General East has expressed the views of not only himself but of nearly all his colleagues. (Hear, hear.) They are all "yielding to public opinion" for the sake of keeping office. (Cheers.) The hon. Attorney General says truly that this Elective Council scheme will effect an organic change in the constitution of our country; and yet the Government are carrying it through, not from convictions of their own, but simply because they are told that public opinion is in favour of it. (Hear, hear.) Is it not so? I would like the Attorney General West to say if he is in favour of this Bill. I would like the Inspector General to say if he is in favour of this Bill. I would like the Premier of the Government to say if he approves of a double elective body in this country. I would like the Commissioner of Crown Lands to say whether he has changed his views since he answered the speech from the throne. On that occasion, did not the hon. gentleman state that he would not have voted for the clauses of the address referring to the Elective Council had he thought it committed him to the principle of an Elective Legislative Council?<sup>62</sup>

MR. COM. CR. LANDS CAUCHON asked the hon. member to repeat the question.<sup>63</sup>

MR. BROWN.--When we were voting the Address in answer to the Speech from the Throne, did not the hon. gentleman vote for the clause relating to the Legislative Council, with this express limitation that his doing so did not commit him to the principle of an Elective Council, which he continued to oppose as in previous Parliaments? (Hear, hear.) Is not that the fact?<sup>64</sup>

MR. COM. CR. LANDS CAUCHON assented.<sup>65</sup>

[MR. BROWN continued:] And are those hon. gentlemen sitting there to carry out a measure which really belongs to the Opposition, a measure which is opposed to their own sentiments, a measure which a few months ago they looked upon as a dangerous experiment, as a sweeping organic change in our constitution? (Hear, hear.) I am not surprised that the Attorney General should tell us they are keeping it back, because their hearts are not with it. (Hear, hear.) I am one of those who believe that public opinion does not demand this measure. I look upon it as the mere stepping-stone to a complete change of our legislative and executive system as leading directly to the introduction of the American form of Government; and I think we should look the matter fully in the face, and either adopt one system or other as a whole and not be led from one to the other by imperceptible steps. That was the ground taken with me by hon. gentlemen opposite in last Parliament, and I am sorry to see they have taken up the humiliating position on so important a matter that they will bow to public opinion--for what? To retain their seats on the Treasury Benches. (Cheers.) No doubt they have persuaded themselves that it is for the interests of the country that they, and they only, should be there--(Laughter,)--and that those honestly approving of the Elective Council should be on this side. But others may draw different conclusions from their conduct, and may say that this is not an honorable position for those gentlemen to occupy. (Hear, hear.) For my own part, although I am firmly opposed to the principle of the bill, I am desirous that it should be introduced as speedily as possible, in order that the question



may be brought to a settlement. Although opposed to the double Elective Chamber, I admit there is an evil in the present organization of the Upper House--which I believe, however, has been in a great measure produced by the action of the late ministry of this House--and I am desirous of seeing the matter disposed of. But for one I am prepared to say that, if that Bill passes this House, and we have established two Elective Chambers, equally entitled to express the public wish, that moment Responsible Government will be at an end, and we will be forced to adopt the whole results that inevitably flow from it. If that Bill passes, it will greatly weaken the only check we now hold over the Executive and I see no way of avoiding the application of other checks on Executive power in harmony with the new position, in which we will be placed. We have every day questions coming up which will be necessarily affected by the action of the Government on this great question; and if the Bill becomes law it is clear you will have to adopt the elective principle in other directions. I wish then to see the question settled that we may have a clear and definite ground to stand upon. Immediate attention is also necessary, that the other branch of the Legislature may not be left in the awkward position which it now occupies, damaged in the public estimation, and deprived of the opportunity of using that influence which it ought properly to exercise.<sup>66</sup>

MR. COM. CR. LANDS CAUCHON.--The hon. gentleman might have spared his speech, as he will be obliged to make it all over again, when the Bill comes up for discussion.<sup>67</sup>

MR. BROWN.--Undoubtedly, but I will not, like the hon. gentleman, make one speech on this side and another on that. (Hear, hear and laughter.) I think my hon. friends on this side of the House have taken up perfectly fair ground when they insist that the Government should lose no time in bringing down this Bill, which is of the most vital importance to the future interests of the country. (Hear, hear.)<sup>68</sup>

MR. COM. CR. LANDS CAUCHON rose to order<sup>69</sup>. [Il] dit que la discussion n'est pas sur le sujet du conseil législatif, mais sur le bill de milice. Il sera prêt à discuter la question quand elle viendra, mais il n'est pas juste de parler aujourd'hui du conseil législatif.<sup>70</sup>

MR. INSP. GEN. CAYLEY, in reference to the delay which had occurred in introducing the Legislative Council Bill, asked if it would have been fair to have brought it down, in the absence of the gentlemen recently introduced into the Cabinet, who were said to hold different views regarding it from those of their colleagues? Or would it have been just to have brought it down in the absence of the hon. member for Lambton and the hon. member for Montreal (Messrs. Brown & Dorion,) who would of course take a very prominent part in the discussion? The Government did their best, but found it a most difficult task to please hon. gentlemen opposite.<sup>71</sup> The difficulty was that gentlemen opposite always discussed things from two points--thus last evening one said the committee on accusations was a whitewashing committee, the other that it was intended to condemn the persons accused. The government had waited then till the House was assembled to fill up the committee, and they did so still.<sup>72</sup>

MR. HINCKS.--I agree with the hon. Commissioner of Crown Lands, that we are getting away from the question properly before the House. At the same time I do not think that some of the statements made by the hon. member for Lambton, who occupies a prominent position in this House as Leader of the Opposition, should be allowed to pass without some remark on my part. I cannot allow him to say

that public opinion is against a change in the Constitution of the Legislative Council without recording my opinion, that the public opinion of the country in all parts of the Province, both in Upper and Lower Canada, is decidedly in favour of it. Hon. gentlemen opposite, taunt the Government with want of unity and harmony, but how is it with themselves? The hon. member for Lambton says, that public opinion is against this measure. The hon. gentlemen besides (*sic*) the member for Sherbrooke (Mr. Galt,) and the two members for Montreal (Messrs. Holton and Dorion,) say that public opinion is in favour of it. And yet they taunt the Government with want of consistency. But I tell those hon. gentlemen, that they are responsible to the country just as much as the members of the Government. They may be called upon at any time to occupy a very responsible position. No one can tell the moment that those hon. gentlemen may be called upon to conduct the Government of this country. But I do not think they treat this question fairly, when they insist on the Government pressing forward their measure. I must say I am well pleased that the Government have not pressed forward this measure, for I think there can be no measure brought before this House, the details of which it is of more importance to have well considered than this of the Legislative Council. The hon. member for Lambton has today, as often before, endeavoured to frighten the hon. members who may be in favour of this measure, by holding up a bug-bear before them and declaring that the course once entered upon, there is no stopping place, and that all Responsible Government is at an end. My own deliberate opinion is, after having given the subject as much consideration as the hon. member for Lambton can have given it, that the system of an Elective Legislative Council can be carried out without in the least degree endangering the principles on which our system of Responsible Government is carried on. If I did not think so, I would not be in favour of a change, but would rather retain the system as it is with all its disadvantages, than change it at the cost predicted by the member for Lambton. But what is the course which the hon. gentleman says he will take? He has always professed to be opposed to the principle of an Elective Council, but he declares now, that the moment you adopt that principle, he throws away all his opposition to carrying it out to its full extent. He takes it for granted that he must be right in supposing that all those consequences must necessarily flow from it, and, instead of waiting to see whether other persons who have thought on the subject as well as he, may not be right,--instead of waiting to see whether those dead locks between the two branches of the Legislature which he predicts, will necessarily occur, instead of waiting to see the result of the change, he gives up everything, and is prepared to adopt at once entirely different institutions<sup>73</sup>, and says all our institutions must be done away with.<sup>74</sup> I do not believe that the warnings he has held out to us will be verified.<sup>75</sup> He believed the honorable gentleman was not sincere in his support of those institutions. As in England since the time of the Revolution, the Government of this portion of the Empire must be carried on through the Legislative Assembly, and he apprehended no danger whatever from the principles of the Legislative Council Bill.<sup>76</sup> By proper deliberation on the part of the Legislature, you can adopt a system which will give you a second body that will exercise a very salutary control over the Legislation of the country, without any danger of those collisions the supposed occurrence of which is the foundation on which the member for Lambton seems to rest his determination, avowed to-night, that the moment you carry this measure all his principles as to the manner in which the Government of the country can be most satisfactorily conducted, will be thrown to the winds, and he will advocate Republican institutions, for that is the

amount of it in plain terms. I think the Government are acting wisely in taking time to consider the details of this measure. As to the particular views of the members of the Government on this question, we have nothing to do with that. The Government come down as a whole with the Elective Legislative Council Bill, and we have nothing to do with the way in which each individual member of the Government has been brought to assent to particular parts of the Bill. Every one who has had anything to do with Governments must know that there must be mutual concessions in these matters, and I must say that the more deliberation they give to it the better.<sup>77</sup> It would not be too much for honorable members, considering the short time since the formation of the present Cabinet, to afford to wait until the Government would be prepared. With regard to the Militia Bill, it was unnecessary to go into its details in its present state.<sup>78</sup> [He] then concluded by expressing his approval of the militia scheme of the Government, in its general features.<sup>79</sup>

MR. GALT said the remarks of the hon. member for Renfrew seemed to imply that the views of the hon. member for Lambton to the Legislative Council question were generally shared in by the opposition. Now, if he understood the position of that hon. gentleman, he probably stood quite alone in his views on that subject, on the opposite side of the house.<sup>80</sup>

MR. BROWN.--Quite so.<sup>81</sup>

MR. GALT contended that the hon. member probably stood entirely alone on that question, now that the gentlemen who formerly acted with him in opposition to an Elective Council, had seen reason to change their minds. (Hear, hear.) He thought an explanation was due from the Provincial Secretary of the position he now occupied on this question. It was well known that that hon. gentleman had refused to join a previous administration, with which on every other subject he was at one, on account of his views not agreeing with theirs on the one point of the qualification of members of the Legislative Council. Probably he had seen reason to change his views on that point, and he said it was desirable that the House should know the fact.<sup>82</sup> Perhaps the honorable member for Verecheres would inform the house what changes were made in the bill and whether there was any change of principle. The country was in favor of the Bill. Half of the Bill was introduced by the government and they gave all their assistance on it to Mr. Morin.

The Bill for an effective militia for the defence of the country was an all important one and all correspondence which had taken place in relation to it should be laid before the house, and there could be no difficulty in informing the house of the means of internal defence of the province.<sup>83</sup>

MR. PROV. SEC. CARTIER.--The Legislative Council Bill will shortly be in the hands of members, and then they will know all about it. I will only say now that the qualification will be such as to secure the services in that body, of gentlemen who have a stake in the country.<sup>84</sup>

Ironical Hear, hear, from the opposition.<sup>85</sup>

MR. RANKIN did not think there was any very urgent feeling in the country on the subject of the Legislative Council, and he did not believe there would be much discontent although it lay over for another session.<sup>86</sup> He did believe that the defence of the country was a matter of the utmost importance.<sup>87</sup>

MR. TURCOTTE assured the ministry that their friend as well as their opponents and those who desired to judge coolly rather than as partizans on either



side, were anxious to know what the ministry proposed to do with this bill.<sup>88</sup> [Ils] veulent qu'il soumette à la chambre les mesures qui sont promises au peuple depuis si longtemps. Puisque le bill seigneurial a bien été passé en trois ou quatre jours, il lui semble qu'il ne faut pas autant de temps qu'on prend pour soumettre celui du Conseil Législatif.<sup>89</sup> Had it been carried through sooner as it ought to have been, they would not have had their Seignorial Bill hacked up and cut to pieces, as it had been by the other House.<sup>90</sup> They viewed with a jealous eye the pushing forward of other measures, and the retardation of this so important a one--this, which had it been arranged previously to the passing of the Seignorial Tenure Bill, would have prevented the Legislative Council from interfering with and marring the work of the other Houses.<sup>91</sup> Les ministres avouent que l'opinion publique est en faveur de cette mesure, mais il croit que l'opinion publique de l'administration y est opposée, car M. Drummond lui-même vient de déclarer qu'il ne l'avait pas à coeur et que le gouvernement ne le présenterait que pour satisfaire aux vœux du peuple. Le gouvernement va-t-il forcer les membres de croire qu'il se moque d'eux? Il (M. T.) ne voit dans le ministère que deux membres (MM. Lemieux et Spence) qui soient en faveur de la mesure. Elle est entre les mains de nouveaux convertis, et on ne peut avoir confiance en eux pour son règlement. M. Cauchon s'est formellement déclaré contre le Conseil Législatif électif et il ne la prendra en main que quand il y sera forcé par l'opinion publique. Il (M. T.) ne voit que M. Lemieux qui ait à coeur le principe du bill; mais il craint de le voir faiblir, entouré qu'il est par tant de membres qui y sont opposés. Il est certain que le bill ne sera soumis à la chambre qu'à la dernière heure, lorsqu'il n'y aura plus moyen de reculer,--mais alors il sera trop tard: l'heure du peuple sera arrivée et les aura devancés.<sup>92</sup> He only hoped that the result would not be to force the friends of the ministry to exclaim,

"Timeo Danaos et dona ferentes."

The truth was that if ministers wanted to play they should do so somewhere else, for it was nothing but playing with the House to act as they were now doing, and to leave a measure of this importance to the modification which would be made in it by friends grown cold, or new converts. After blaming the lenity of Sir Allan, shown in his saying that the bill would come down some government day, and ridiculing the pretensions that there could be any sound cause for delaying a bill printed so long ago, he concluded by asking what reply members were to make to their electors<sup>93</sup>. When they returned to their constituents, and were asked, where is your Elective Council Bill? where is your Municipal Bill? where is your Bill for the amendment of the Seignorial Act?--What answer would it be to say, we have none of these, but here is a Militia Bill for you.<sup>94</sup> Il termine en disant aux ministres de prendre garde à leurs actes, car il pourrait se faire qu'ils ne se maintiendront pas longtemps au pouvoir.<sup>95</sup>

MR. BROWN, in reply to Mr. Hincks, explained that he had not asserted that public opinion was against any change in the Legislative Council, but that it was not in favour of<sup>96</sup> Mr. Morin's bill<sup>97</sup>, and that rather than deal with it that way, it should be abolished altogether.<sup>98</sup>

MR. PRES. EX. COUN. MACNAB considering the tremendous noise Mr. Brown was always making about nothing, recommended the opposition to invest him with an office as their premier--that of Fuss-Master-General.<sup>99</sup> He had hoped, when the hon. gentleman rose to make an explanation, that he would have explained some others of his remarks to which he had listened with much pain. What the hon. gentleman had said in effect was just this--I am opposed to your Bill, but bring



it down, and my friends behind me will pass it, and then I will go for a thorough change in our consti[t]ution, I will introduce the American principle of Government as fast as I can.<sup>100</sup>

MR. BROWN. I never said that.<sup>101</sup>

MR. PRES. EX. COUN. MACNAB.--The hon. gentleman said he was opposed to the measure, but he wished to see it passed that he may have an opportunity of changing of form our Government.<sup>102</sup>

MR. BROWN rose to explain but<sup>103</sup>--

MR. PRES. EX. COUN. MACNAB would not yield the floor, but continued--The hon. gentleman had an opportunity of explaining already, and if he had made the explanation I would not have said a word. But he says--pass that Bill, which will afford me an opportunity of changing our whole system of Government. And then no doubt some of his friends behind him will say--you have gone so far, you had better go the whole length; the hon. member for Lambton has assimilated our Government so completely to that of the United States, annexation that we would as well have at once.<sup>104</sup>

MR. FOLEY thought there was an intimate connection between the two measures now being discussed together. The cabinet had been so often reconstructed that the ministry scarcely knew which office each of them held, and it was very much to be feared that if this bill passed before the Legislative Council bill, that the country would be deprived of the services of the Gallant Knight in the reconstruction of the Council. The inevitable consequence of such an order of precedence would be that the Gallant Knight would have to carry out the provisions of the militia bill. Every body knew that he was marked out for the post as well by public opinion, as by his warlike exploits<sup>105</sup>. Who had not heard of his gallant exploits at Navy Island at Chippawa, and on many other well fought fields? (Hear, hear and laughter.) Of course then the whole country would agree in the gallant knight being placed in position to carry out the working of the Militia Bill after it was once adopted, and, if they thus lost his valuable services in the Government, of course the ministry would require another lengthened period to explain the Legislative Council Bill to their new colleague, as they had already required so much time to make the new Provincial Secretary and commissioner of Crown Lands understand it.<sup>106</sup> He must say that before any such trumpery measure to set up fifty or sixty idle men in each county was brought in, that the Elective Legislative Council measure would be brought down, especially as it has been recommended in the speech from the throne, and already submitted to the House.<sup>107</sup>

DR. ROLPH remarked that while it was admitted that there was a demand in the country for the Legislative Council to be made elective, the hon. member for Essex [Mr. Rankin] thought it might be allowed to pass over another session. He hoped that this was not ominous of what was going to happen<sup>108</sup>. From the composition of the present Ministry, [he] was afraid that the Premier might be induced to throw over the Legislative Council Bill to another session, which, he was convinced, would create great public dissatisfaction. The Attorney General East said the measure was not ready. But why was it not ready? New elements had been introduced into the Cabinet, and the Attorney General said that the new members must have an opportunity of considering the Bill. But could it really be true that the recent changes in the Cabinet took place without any reference whatever to this measure? (Hear, hear.) Did those hon. gentlemen take their seats in the Cabinet without their opinion being asked on this important

subject? (Hear, hear.) Did the hon. Premier, knowing the former opinions of those gentlemen, take them in at hap-hazard, or with the hope that they would rather consent to be converted to different principles than give up their newly acquired seats on the Treasury Benches? (Hear, hear.) The gallant Knight, in reply to the charge of a want of unity in the Government, turned to the opposition, and asked of what materials were they composed. The opposition admitted that there were some matters on which they did not all agree, but was that any reason why a Cabinet should be formed of discordant materials? (Hear, hear.) Ought not the gallant knight rather to set an example to the opposition by forming a Cabinet of strength, both with respect to influence and to unity of principle and action? (Hear, hear.) Instead of such unity the gallant Knight in his present position, between Conservatism on the one hand and Liberalism on the other, reminded him of Ulysses steering between Scylla and Charybdis, scarcely knowing which class of his supporters he should gratify, by inclining towards the one side or the other.<sup>109</sup> He warned the ministry that if the predictions of the hon. member for Lambton were ever realised as to our system, it would arise from the fact, that a cloud had been brought over responsible government by recent events, and when the member for Renfrew, and the premier blamed Mr. Brown so severely they might have remembered a recent despatch of Lord Grey's to Prince Edward Island, in which that nobleman honestly stated his opinion, that responsible government was not fit for a colony and recommended the American system, reminding the colonists at the same time, that under it the Americans enjoyed as much liberty as themselves.<sup>110</sup> He thought the House should insist on the Legislative Council Bill being proceeded with before allowing the Government to organize a Militia force equivalent to a standing army which a corrupt Government might prostitute to the worst of purposes. He was not very much surprised at the Government delaying so long their Elective Council and Franchise measure, knowing well, as they did, that when the people were fully represented in both branches of the Legislature they could not occupy their present positions for one hour. (Hear, hear.)<sup>111</sup>

MR. RANKIN denied that his remarks had been inspired by the government.<sup>112</sup>

MR. FOLEY expressed ... [himself] briefly.<sup>113</sup>

MR. BELLINGHAM regarded the Elective Legislative Council as a conservative measure<sup>114</sup> [and] remarked that there were no settled opinions in the country, politically, commercially, nor religiously.<sup>115</sup>

MR. PRES. EX. COUN. MACNAB said that so far as he was aware all the despatches from the Imperial Government in reference to the withdrawal of the troops and the future defence of the Province, had been said before the House. If there were any others, they would be brought down.<sup>116</sup>

MR. HOLTON believed that no information or correspondence on the subject should be kept from the House.<sup>117</sup>

The motion was then agreed to and the Bill read<sup>118</sup>.

(675)

*Ordered, That the Honorable Sir Allan N. MacNab have leave to bring in a Bill to regulate the Militia of this Province, and to repeal the Acts now in force for that purpose.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.*

*Ordered, That Mr. Poulin have leave to bring in a Bill to incorporate the Communauté des Dames de la Providence de St. Hyacinthe.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Pouliot have leave to bring in a Bill to amend the Law regulating the property qualification of Justices of the Peace, by reducing the amount of such qualification.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the twenty-second instant.*

*Resolved, That a Message be sent to the Honorable the Legislative Council, requesting their Honors to permit the Honorable Louis Panet, one of their Members, to give evidence before this House on the matter of the accusation against Jean Gagné, in relation to the last Election but one for the County of Saguenay.*

*Ordered, That the Honorable Mr. Chauveau do carry the said Message to the Legislative Council.*

MR. POST. GEN. SPENCE introduced a Bill to abolish Postage on Newspapers published within the Province of Canada, and for other purposes connected with the Post Office Department of this Province. The hon. gentleman said that at present certain classes of papers, those of an educational, scientific<sup>119</sup>, temperance<sup>120</sup>, and agricultural character, were transmitted free of postage.<sup>121</sup> He believed that, without any depreciation of the militia law, a perfectly free press was the best defence of popular rights and liberties.<sup>122</sup> The journals of the Lower Province were also admitted free of postage. The present measure would extend this benefit to newspapers generally.<sup>123</sup> The Government now in[t]ended to sweep away this partial system, and let all classes of papers published in the Province go free. He was sure there would be no difference of opinion as to the propriety of this step. The Bill would also enable the Department to raise the maximum salary of their officers from £400 to £500, and the chief officer, Mr. Griffin, would receive the same salary as he had before the Post office Department was transferred to the Province authorities. The Bill would also make a new arrangement of the Inspectorships and would abolish the absurd system of making one department keep a debt or account with another. All the correspondence of the different departments would be charged directly on the revenue of the Province.<sup>124</sup> This would enable him to give members of the House an hour and a half more time in which to put their letters &c., than at present.<sup>125</sup> The same rule would apply to the documents and correspondence of this House, and members would have the privilege of receiving and distributing free during the rec[e]ss all the printed documents of both Houses.<sup>126</sup>

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*Ordered, That the Honorable Mr. Spence have leave to bring in a Bill to abolish Postage on Newspapers published within the Province of Canada, and for other purposes connected with the Post Office Department of this Province.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.*

*Ordered, That the Honorable Mr. Attorney General Macdonald have leave to bring in a Bill to explain an Act, intituled, "An Act to amend and extend the*



*Law relative to the remedy by Replevin in Upper Canada."*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.*

*Ordered, That the Honorable Mr. Attorney General Macdonald have leave to bring in a Bill to increase the Capital Stock of the City of Kingston Water Works Company.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.*

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*Ordered, That Mr. Hartman have leave to bring in a Bill to repeal the Act 16 Vic. cap. 189, and to regulate travelling on Public Highways in Upper Canada.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Mr. Pouliot moved, seconded by Mr. Thibaudeau, and the Question being proposed, That Mr. Alleyn and Mr. Felton be added to the Special Committee to which was referred the Bill to amend the Act, intituled, "An Act to repeal two certain Acts therein mentioned relating to Agriculture, and to provide for the remedy of abuses prejudicial to Agriculture;"*

*On motion of Mr. Masson, seconded by Mr. Thomas Fortier, the Question was amended, by leaving out the names of "Mr. Alleyn and Mr. Felton" and inserting the names of "Mr. Laporte and Mr. Jean Baptiste Daoust" instead thereof.*

*Then the main Question, so amended, being put;*

*Ordered, That Mr. Laporte and Mr. Jean Baptiste Daoust be added to the Special Committee to which was referred the Bill to amend the Act, intituled, "An Act to repeal two certain Acts therein mentioned relating to Agriculture, and to provide for the remedy of abuses prejudicial to Agriculture."*

*On motion of Mr. Aikins, seconded by Mr. Foley,*

*Resolved, That an humble Address be presented to His Excellency the Governor General, for copies of the By-Laws or Statutes which have been presented to His Excellency by the Toronto University, and which have received his sanction; a Statement of the number and amount of the Scholarships, the establishment of which His Excellency has sanctioned; of the names and residences of the persons upon whom they have been conferred; of the number of matriculated and other Students in University College, Toronto; their names, residences, and dates of matriculation, and the amount charged each Student for the several courses of Lectures, and the sums actually received for the current year, or terms ending in this year.*

[MR. AIKINS] explained that he desired this information in consequence of the announcement by the Government that they intended making important alterations in the constitution of the University.<sup>127</sup>

MR. PRES. EX. COUN. MACNAB said he would consent to the motion, if the words were struck out, "or to which his sanction has been refused, or which are still under his consideration."<sup>128</sup>

MR. WILSON asked what reason there could be for receiving copies of the By-Laws to which his Excellency's sanction had been refused?<sup>129</sup>

MR. PRES. EX. COUN. MACNAB--We will not give them.<sup>130</sup>



MR. FOLEY said it was of importance that the House should know what measures had been proposed by the senate, on which there was a difference of opinion between them and the Government. The Government by the aid of their majority might attempt to suppress the information, but he hoped there was enough independence in the House to insist on its being given.<sup>131</sup>

MR. HINCKS was amused at the discussion which had been going on for some time. He was not aware that there were any statutes which His Excellency the Governor General had refused to sanction. The manner in which hon. gentlemen had talked about concealment, was particularly amusing. He referred particularly to the remarks of the hon. members for Norfolk and Waterloo.<sup>132</sup>

MR. CAMERON [also] expressed ... [his] belief that not one single statute proposed by the University, had been refused by the Government.<sup>133</sup>

MR. FOLEY understood that it was intended to restore the faculties of Law and Medicine, to which the Senate of the University had objected.<sup>134</sup>

MR. HINCKS explained that the Senate were entirely precluded, by law, from entertaining any such question, and no by-laws could have been made, affecting, in the slightest measure, the gentlemen on the Treasury Benches. They felt, however, that any by-laws that there might be under the consideration of the Government, should not be produced. The only object sought to be obtained was that of inducing the Government to express some opinion, with regard to the propriety of restoring the faculties of Law and Medicine.<sup>135</sup>

After some further discussion,<sup>136</sup> MR. AIKINS consented to strike out the objectionable words<sup>137</sup>.

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*Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.*

*Ordered, That Mr. Jobin have leave to bring in a Bill to establish a Circuit Court in and for the County of Joliette.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Jobin have leave to bring in a Bill to establish a Registry Office in the County of Joliette.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Jobin have leave to bring in a Bill to amend the Act 12 Vic. cap. 123, intituled, "An Act to divide the County of Berthier into two Municipalities, and for other purposes relative to the said County," and the Act 13 & 14 Vic. cap. 110, intituled, "An Act to remedy an error in the Act dividing the County of Berthier into two Municipalities."*

*He accordingly presented the said Bill to the House, and the same was*

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*received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Ferrie have leave to bring in a Bill to legalize certain Grants from the Municipalities of this Province towards the Patriotic Fund.*

MR. CAMERON called the attention of the Government to the circumstance that many Canadian municipalities and other bodies had made subscriptions to the Patriotic Fund, which did not come under the general head of the Canadian contribution transmitted by the Government. These smaller contributions would probably be to a certain extent lost sight of, and he therefore suggested to the Government the propriety of writing to the secretaries in England to place all the sums so received under one Canadian head, so that in the general account of the fund the Canadian contributions might appear in one round sum.<sup>138</sup> (Hear, hear.)<sup>139</sup>

MR. PRES. EX. COUN. MACNAB had had communications on the subject, and had recommended that the monies collected should be forwarded through the Receiver General.<sup>140</sup> The Receiver General was about to give notice that he would receive and transmit all sums subscribed in Canada.<sup>141</sup>

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*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.*

*Ordered, That [Mr.] Ferrie have leave to bring in a Bill to vest in Municipalities in Upper Canada, original allowances for roads within their respective boundaries.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday the twenty-seventh instant.*

MR. AT. GEN. J.A. MACDONALD said he had no objection to the introduction of the Bill; but he could state that he decidedly objected to its principle.<sup>142</sup>

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*Ordered, That the Petition of James Marshall, of Youngstown, and the Petition of John Montgomery, of the City of Toronto, Innkeeper, be printed for the use of the Members of this House.*

*Ordered, That the Petition of the Reverend J. Auclair and others, of the City of Quebec, be referred to the Select Committee to which was referred the Bill to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town.*

*The Order of the House for the hearing of Counsel on behalf of Jean Gagné of the Parish of St. Etienne, in the County of Saguenay, Notary, being read;*<sup>143</sup>

*Siméon Lelièvre, Esquire, appeared as Counsel for Mr. Gagné, and was heard at the Bar accordingly.*

*On motion of Mr. Pouliot, seconded by Mr. Desaulniers,*

*Ordered, That John Nairne, Esquire, be examined as a Witness on the part of Mr. Gagné.*

*The House being informed that John Nairne, Esquire, attended at the door, he was called in; and examined, as followeth:--*

*By Mr. Pouliot:--*

*1. Are you not John Nairne, Esquire, Seignior of La Malbaie, residing in the Parish of St. Etienne de La Malbaie?--I am.*

*2. Is it not true that you are thoroughly acquainted with the handwriting of Jean Gagné, Notary, of the Parish of La Malbaie, having frequently seen him write, and having employed him for a number of years?--It is.*

3. Is it not true that you have carefully examined the Poll-book for the Parish of St. Fidèle, returned as such at the last Election but one for the County of Saguenay; and will you state whether or not any of the votes taken down therein are in the handwriting of the said Jean Gagné, and more particularly any of those between the numbers 1700 and 1760?--I have examined the Poll-book of St. Fidèle, and I did not recognize the handwriting of Mr. Jean Gagné in that Poll-book. I have examined the part of the book referred to--my answer applies to the votes between 1700 and 1760.

4. What character, as regards probity, does the said Jean Gagné, Esquire, Notary, bear, and what is his general reputation in this respect in the County of Saguenay?--Mr. Gagné enjoys a good reputation.

5. Is it not true that the said Jean Gagné was at the last Election save one for the County of Saguenay, neither Deputy Returning Officer for the said County, nor Poll-clerk there?--I am not aware that he was.

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By Mr. Loranger:--

6. Have you in your possession any piece of writing of the said Jean Gagné?--I have not here.

By Mr. Solicitor General Ross:--

7. Have you examined the handwriting in all the votes entered in the said Poll-book?--I have gone through the whole book.

By the Honorable Mr. Attorney General Drummond:--

8. Have you examined the Poll-book in question so as to enable you to say that the handwriting of the said Jean Gagné is not to be found in any part of the same?--I have examined the Poll-book, and have not seen his handwriting in any part of it.

By Mr. Loranger:--

9. Do you know in whose handwriting the names of voters from numbers 1700 to 1760 are?--I cannot say.

10. Are you acquainted with any of the handwriting in this book?--I am not.

By Mr. Solicitor General Ross:--

11. Have you examined the figures in all pages of the said Poll-book, and can you state by whom the same have been written?--I have examined the figures in some parts of the book, and some of them resemble Mr. Gagné's writing, but I cannot say whether they are or not.

By Mr. Loranger:--

12. Indicate the figures in the said Poll-book which resemble Mr. Gagné's writing?--The figures in the margin 1480, 1510, 1900, 2381, 2410, 2448, 2530, 2550, 2561, 2564, 2570, 2580, 2590, 2593, 2610, 2630, 2640, 2650, 2660, 2670, 2680, 2710, 2724, 2730, 2740, 2815, 2830, 2840, 2860, 2870, 2880, 2900, 2950, 2960, 2970, 2971, 3005, 3010, 3020, 3030, 3040, 3050, 3060, 3120, 3150, 3160, 3180, 3190, 3220, 3260, 3270, 3280, 3290, 3300, 3310, 3320, 3323, 3370, 3380, and I think in Mr. Gagné's handwriting.--In the addition, the figures 2381, 2411, 2441, 2462, 2492, 2522, are also, I think, in Mr. Gagné's writing.

By Mr. Pouliot:--

13. Is it not true that the figures which you mention are figures in the margin of the Poll-Book, stating the total number of additions, and not that of the votes of Electors?--The figures in question certify the number of votes but not the votes themselves.

By Mr. Solicitor General Ross:--

14. How long has the said Jean Gagné, to your knowledge, resided in the County of Saguenay, and in what Parish, and has he had opportunities of being



acquainted with the inhabitants of the Parish of St. Fidèle and of proving the number thereof?--Mr. Gagné has resided in the County of Saguenay for the last 25 years, to my knowledge, in the Parish of St. Etienne de La Malbaie, and I presume that he is acquainted with the people of St. Fidèle, which is the adjoining Parish.

And then he was directed to withdraw.

On motion of Mr. Pouliot, seconded by Mr. Desaulniers,  
Ordered, That Joseph Hamel, Esquire, be examined as a Witness on the part of Mr. Gagné.

And the House being informed that Mr. Hamel attended at the door, he was called in; and examined, as followeth:--

By Mr. Pouliot:--

15. Are you not Joseph Hamel, of the City of Quebec, Land Surveyor?--I am.

16. Is it not true that you are well-acquainted with the handwriting of Jean Gagné, of the Parish of La Malbaie, Notary, the person now at the Bar, having frequently seen him write?--Yes.

17. Is it not true that you did yesterday carefully examine the Poll-book for the Parish of St. Fidèle, returned as such at the last Election but one for

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the County of Saguenay, and will you state whether or not any of the votes taken down therein are in the handwriting of the said Jean Gagné, and more particularly any of those between the numbers 1700 and 1760?--I examined the book yesterday, and more particularly the names between the numbers 1700 and 1760, and I did not find any name in any respect resembling the handwriting of Mr. Gagné.

18. Is it not true that you compared the handwritings in the said book with that of the said Jean Gagné, and that no one of those handwritings resembles that of the said Jean Gagné?--I have compared them, and no one of the names inscribed in the said book resembles the handwriting of the said Jean Gagné.

19. Have you in your possession any letters or other documents written by the said Jean Gagné, and if so produce them?--I produce two letters in the handwriting of Mr. Gagné who writes to me nearly every week. The others are of a private nature.

By Mr. Masson:--

20. Are you related to Mr. Gagné, and how nearly?--I am his brother-in-law, having been married to his sister, now deceased.

By Mr. Solicitor General Ross:--

21. Do you recognize the handwriting of any person or persons, and of whom, in the entries of the names of voters in the said Poll-book?--I do not recognize any, as I do not reside in that neighbourhood, and have no intercourse with any one but Mr. Gagné.

And then he was directed to withdraw.

On motion of Mr. Pouliot, seconded by Mr. Desaulniers,  
Ordered, That Michel Tessier, Esquire, be examined as a Witness on the part of Mr. Gagné.

And the House being informed that Mr. Tessier attended at the door, he was called in; and examined, as followeth:--

By Mr. Pouliot:--

22. Are you not Michel Tessier, of Quebec, Esquire, Notary?--I am.

23. Is it not true that you are acquainted with the handwriting of Jean Gagné, Notary, of the Parish of La Malbaie, the person now at the Bar, from having often seen him write?--Yes, I am acquainted with his writing.



And then he was directed to withdraw to examine the Poll-book of the Parish of St. Fidèle.

On motion of Mr. Pouliot, seconded by Mr. Desaulniers,

Ordered, That Henry Bolduc, Esquire, be examined as a Witness on the part of Mr. Gagné.

And the House being informed that Mr. Bolduc attended at the door, he was called in; and examined, as followeth:--

By Mr. Pouliot:--

24. Are you not Henry Bolduc, Notary, of the City of Quebec?--I am.

25. Is it not true that you are acquainted with the handwriting of Jean Gagné, Notary, of the Parish of La Malbaie, the person now at the Bar, from having often seen him write?--I am perfectly acquainted with the handwriting of Mr. Gagné, having often seen him write.

26. Is it not true that you, yesterday, carefully examined the Poll-book for the Parish of St. Fidèle, returned as such at the last Election save one, for the County of Saguenay, and have the goodness to state whether any of the votes which are registered are in the handwriting of the said Jean Gagné, particularly from numbers 1700 to 1760?--I yesterday examined the Poll-book in question with all possible attention, and looked it over from beginning to end: I examined with attention from 1700 to 1770 particularly, and I found none of them in the handwriting of Mr. Gagné.

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27. How long have you known the said Jean Gagné, and what is his character in respect of honor and probity?--I have known the said Jean Gagné these twenty-five years; and to my knowledge he has always enjoyed an irreproachable character.

And then he was directed to withdraw.

Mr. Michel Tessier was then again called in; and his examination continued, as followeth:--

By Mr. Pouliot:--

28. Is it not true that you have this day carefully examined the Poll-book for the Parish of St. Fidèle, returned as such at the time of the last Election but one, for the County of Saguenay, and will you state whether or not any of the votes taken down therein, are in the handwriting of the said Jean Gagné, and more particularly betwe[e]n the numbers 1700 and 1760?--I have not had time to examine the book throughout, but I have examined betwe[e]n the numbers 1700 and 1760, and I do not recognize the handwriting of Mr. Gagné throughout that part of the book.

29. How long have you been acquainted with the said Jean Gagné, and what character does he bear with respect to probity and honesty?--I have been acquainted with him for thirty years and more; I have always known him an honest man, and of irreproachable probity.

And then he was directed to withdraw.

On motion of Mr. Pouliot, seconded by Mr. Desaulniers,

Ordered, That the continuation of the Evidence on the part of Mr. Gagné be postponed until To-morrow, and be then the first Order of the day.

Then, on motion of Mr. Pouliot, seconded by Mr. Desaulniers,

The House adjourned. 144

APPENDIX: 13 MARCH 1855.

[QUESTION AND ANSWER RE: CROWN LANDS.]

MR. GALT enquired of the ministry whether any change has been made, or is intended to be made, by the Government, in the conditions under which sales of Crown and School lands have been made since 30th July, 1852, especially in reference to rescinding the conditions of actual settlement pending the report of the Committee on Public Lands?<sup>145</sup>

MR. CAMERON said the matter was under the consideration of the Government, but as yet no decision had been come to.<sup>146</sup> [He] thought it might not be proper to decide finally on such change before the Committee on the subject had repor[t]ed.<sup>147</sup>

[QUESTION AND ANSWER RE: ROAD FROM MATANE.]

MR. LEBOUTILLIER [asked a question]<sup>148</sup>.

MR. COM. PUB. WORKS LEMIEUX said the subject of opening a Post Road from Matane, along the St. Lawrence, to the North Shore of Gaspé Bay, was under the consideration of the Government.<sup>149</sup>

[WITHDRAWN MOTION RE: PRIVILEGES OF THE HOUSE.]

MR. CAMERON mentioned the writ of habeas corpus which he understood had been sued out by one of the persons recently committed for contempt of the House<sup>150</sup>. He wished to know if the Government intended to direct any of the Crown Officers to appear before the Judge and defend the action of the House.<sup>151</sup>

MR. SICOTTE the SPEAKER laid on the table copies of the writ and the return made by the jailer, who he said he had advised to report the writ to the House before making his return. The jailer however had refused to do so.<sup>152</sup>

MR. AT. GEN. J.A. MACDONALD suggested that the House should direct the Attorney General to appear in Court on behalf of the House.<sup>153</sup>

After some desultory conversation,<sup>154</sup> MR. CAMERON believed the course suggested to be the proper one, and made a motion<sup>155</sup> that the Attorney General (West) be instructed to appear to-morrow before the judges to protect the privileges of the House<sup>156</sup>, which was adopted.<sup>157</sup>

MR. AT. GEN. DRUMMOND professed himself quite willing to do so, though he did not think it advisable to appear as Attorney General till instructed to do so by the House.<sup>158</sup>

Eventually, however, MR. CAMERON expressing his doubts whether it was consistent with the dignity of Parliament to appear, and his belief that the judges would respect the authority of the House,<sup>159</sup>

MR. AT. GEN. DRUMMOND stated that that was his opinion--that the House ought not to appear before the judges<sup>160</sup> to defend the action of the House. No Court in the country would dare to interfere with the judgments of the High Court of Parliament. No man who had ever been raised to the dignity of a Judge in this country by this very House, would venture to set at naught its privileges.<sup>161</sup> [He] said the House would show more respect for itself by not attending to the proceedings of the Court.<sup>162</sup>

MR. TURCOTTE said that every subject of Her Majesty had his right to apply to the judges for protection by habeas corpus, and that the House was only there in their right of British subjects which gave every such subject a right to be present in Parliament by his representative.<sup>163</sup>

[He] said the question here was probably, not altogether the right of the House to punish for contempt, but the right of the subject to be protected from the effect of arrest by error, and so forth. Suppose the wrong man were committed, would it be pretended that he had not a right to have his presentment examined?<sup>164</sup>

MR. AT. GEN. DRUMMOND read several extracts from May, showing that the Courts had always held that they could not examine the commitments made by the Court of Parliament, as such commitment[s] were convictions and made by the Superior Court whose forms could not be questioned by an inferior Court.<sup>165</sup>

MR. PRES. EX. COUN. MACNAB read the law respecting Parliamentary Privileges, by which it appeared that no Court of Justice could set aside a commitment, by either the Upper or the Lower House of Parliament.<sup>166</sup> The jailer in making a return against the advice of the Speaker had done a wrong, for which he hoped he would be punished by the Crown.<sup>167</sup>

MR. J.S. MACDONALD knew it was unpulatable (*sic*) to suggest that the House could be wrong, and he was certainly the last man who would say anything against its privileges<sup>168</sup> [OR] no one was more determined than he was to assert the privileges of this House<sup>169</sup>; but before taking a step from which it could not retreat without discredit it would be well to consider the whole ground carefully and in doing so it must be borne in mind that there was a recent decision of the higher Court, the Privy Council, that Colonial Legislatures had not the power to commit to prison.<sup>170</sup> The matter did admit of a doubt. Whether doubtful or no, it was exceedingly dangerous to interfere with the independence of the Judges. It was absurd to say that Parliamentary commitments could not be set aside by the Courts of Law. They had repeatedly been set aside. It was the first time since he had been in Parliament that a case of commitment had come up. And it was well to consider what steps should be taken if it should turn out that the House had erred.<sup>171</sup>

MR. CHABOT thought that Parliament having the power of judging must have the power of enforcing its judgment, and quoted the case of Tracey and Duvernay, where three judges in Lower Canada decided that Parliament had that right.<sup>172</sup>

MR. LORANGER had no doubt Parliament had the right to punish in this way, but suppose one man was imprisoned by Parliamentary warrant in the name of another, would he not have the right to have the warrant examined. Of course if there [were] no errors in the form of the commitment the Judge could do nothing, for the Canadian Parliament within its territory could do whatever the British Parliament can do in its. He believed the case in Newfoundland just cited and one in Jamaica were adjudged in error as they were contrary to the decision in *Berthelot vs Mason* East Reports, to that cited by Mr. Chabot, and to one in the case of the habeas corpus applied for by J.W. Monk when committed in Lower Canada.<sup>173</sup>

MR. COM. CR. LANDS CAUCHON read authorities to show that if the House had a right to judge, it had a right to enforce its judgment.<sup>174</sup> [He] considered that the Courts had no right to interfere, provided the form of commitment was correct.<sup>175</sup>

MR. SOL. GEN. D. ROSS thought that there were cases where the Courts of Law might interfere. He referred to a decision with reference to the action of the Legislature of Newfoundland<sup>176</sup> where the privileges of the Legislature of the Colony were impugned by the Privy Council in England.<sup>177</sup>

MR. AT. GEN. DRUMMOND thought that the case of Newfoundland could have no application to this country, which had responsible Government, which could not be administered, unless the Commons of Canada had the same privileges of the Commons of England.<sup>178</sup>

MR. WILSON did not understand some of the remarks about the Judges. They were properly made independent of the Crown and the people; every prisoner had the right to apply to them for habeas corpus and they could not deny it. The House had done its duty by sending the prisoner to jail. There let the matter rest. It could not stop the prisoner, nor could it stop the Judge, and it was going too far to impugn the opinion of that Judge or to offer any comment on it. If he went contrary to what the House thought right it could only regret it; but it could do (sic) nothing. In the meantime it was to be presumed that the Judge would do right.<sup>179</sup>

MR. FELTON said that in Tracey and Duverney the question was very different from this but it was admitted on all hands that the House could commit for contempt.<sup>180</sup>

MR. CAMERON said the House certainly could not prevent the issue of the writ though Parliament had assumed to do so in more violent times. The probability was that the whole difficulty arose from the writ having been directed to the jailer instead of the Sergeant in whose custody the prisoner really was, and from the jailer having presumed to make his return without the direction of the House<sup>181</sup> [and] without regard to the order of the Speaker, on whom a copy of the return only had been served.<sup>182</sup> In England the Sergeant was served with the writ, who communicated the fact to the House, and therefore an order was made in a case in 1851, that the Sergeant do make return that he holds the body of Mr.----- by writ, to the chairman of the committee. The difficulty in all probability arose from the irregularity of the return, and all that would be done was to hope it would be found sufficient to hold the prisoner.<sup>183</sup>

MR. BROWN thought it worth considering if the House should not defend its privileges by an act.<sup>184</sup>

The motion was withdrawn.<sup>185</sup>



FOOTNOTES: 13 MARCH 1855.

1. GLOBE, 23 March 1855.
2. IBID.
3. IBID.
4. IBID.
5. LE PAYS, 17 March 1855.
6. GLOBE, 23 March 1855.
7. PILOT, 16 March 1855.
8. GLOBE, 23 March 1855.
9. PILOT, 16 March 1855.
10. IBID.
11. GLOBE, 23 March 1855.
12. PILOT, 16 March 1855.
13. GLOBE, 23 March 1855.
14. PILOT, 16 March 1855.
15. MORNING CHRONICLE, 15 March 1855.
16. PILOT, 16 March 1855.
17. MORNING CHRONICLE, 15 March 1855.
18. PILOT, 16 March 1855.
19. MORNING CHRONICLE, 15 March 1855.
20. PILOT, 16 March 1855.
21. MORNING CHRONICLE, 15 March 1855.
22. PILOT, 16 March 1855.
23. GLOBE, 23 March 1855.
24. PILOT, 16 March 1855.
25. GLOBE, 23 March 1855.
26. LE PAYS, 17 March 1855.
27. GLOBE, 23 March 1855.
28. MORNING CHRONICLE, 15 March 1855.
29. GLOBE, 23 March 1855.
30. IBID.
31. MORNING CHRONICLE, 15 March 1855.
32. GLOBE, 23 March 1855.
33. IBID.
34. IBID.
35. IBID.
36. MORNING CHRONICLE, 15 March 1855.
37. IBID.
38. LE PAYS, 17 March 1855.
39. GLOBE, 23 March 1855.
40. LE PAYS, 17 March 1855.
41. GLOBE, 23 March 1855.
42. LE PAYS, 17 March 1855.
43. GLOBE, 23 March 1855.
44. MORNING CHRONICLE, 15 March 1855.
45. GLOBE, 23 March 1855.
46. IBID.
47. IBID.
48. IBID.
49. PILOT, 16 March 1855.
50. GLOBE, 23 March 1855.

51. GLOBE, 23 March 1855. LE PAYS, 17 March 1855, contains a French version of these same comments, but attributes the speech to Mr. Felton. This differs from the reports of GLOBE, 23 March 1855, MORNING CHRONICLE, 15 March 1855, and PILOT, 16 March 1855, which carry speeches by Mr. Holton yet none by Mr. Felton in this debate.
52. PILOT, 16 March 1855.
53. GLOBE, 23 March 1855.
54. PILOT, 16 March 1855.
55. GLOBE, 23 March 1855. This newspaper does not report a comment by Mr. Drummond which states the amount of time he studied the Seigniorial Tenure Bill. However, GLOBE, 23 March 1855, reports Mr. Holton's speech immediately following, and that hon. member refers to such a statement. Mr. Holton said: "But he [Mr. Drummond] has proved the point against himself. If he could master the details of an entirely new Bill on so important a subject as the Seigniorial Tenure in the short space of four or five days...." This remark by Mr. Holton is not reported in other newspapers.
56. LE PAYS, 17 March 1855.
57. GLOBE, 23 March 1855.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. IBID.
63. IBID.
64. IBID.
65. IBID.
66. IBID.
67. IBID.
68. IBID.
69. PILOT, 16 March 1855.
70. LE PAYS, 17 March 1855.
71. GLOBE, 23 March 1855.
72. MORNING CHRONICLE, 15 March 1855.
73. GLOBE, 23 March 1855.
74. PILOT, 16 March 1855.
75. GLOBE, 23 March 1855.
76. PILOT, 16 March 1855.
77. GLOBE, 23 March 1855.
78. PILOT, 16 March 1855.
79. GLOBE, 23 March 1855.
80. IBID.
81. IBID.
82. GLOBE, 23 March 1855. LE PAYS, 17 March 1855, also reports that it was Mr. Prov. Sec. Cartier, member for Verchères, who refused to join a previous administration. MORNING CHRONICLE, 15 March 1855, and PILOT, 16 March 1855, differ from these two newspapers, and report that it was Mr. Com. Cr. Lands Cauchon, member for Montmorenci, who made this refusal.
83. PILOT, 16 March 1855.
84. GLOBE, 23 March 1855.
85. IBID.
86. IBID.
87. MORNING CHRONICLE, 15 March 1855.
88. IBID.

89. LE PAYS, 17 March 1855.
90. GLOBE, 23 March 1855.
91. MORNING CHRONICLE, 15 March 1855.
92. LE PAYS, 17 March 1855.
93. MORNING CHRONICLE, 15 March 1855.
94. GLOBE, 23 March 1855.
95. LE PAYS, 17 March 1855.
96. GLOBE, 23 March 1855.
97. MORNING CHRONICLE, 15 March 1855.
98. GLOBE, 23 March 1855.
99. MORNING CHRONICLE, 15 March 1855.
100. GLOBE, 23 March 1855.
101. IBID.
102. IBID.
103. IBID.
104. IBID.
105. MORNING CHRONICLE, 15 March 1855.
106. GLOBE, 23 March 1855.
107. MORNING CHRONICLE, 15 March 1855.
108. MORNING CHRONICLE, 15 March 1855. PILOT, 16 March 1855, places Dr. Rolph's speech earlier in the debate following Mr. Galt's. The order of speakers following Mr. Galt differs greatly from the order contained in GLOBE, 23 March 1855, and MORNING CHRONICLE, 15 March 1855. PILOT, 16 March 1855, also omits a number of the speeches thereafter.
109. GLOBE, 23 March 1855.
110. MORNING CHRONICLE, 15 March 1855.
111. GLOBE, 23 March 1855.
112. MORNING CHRONICLE, 15 March 1855.
113. PILOT, 16 March 1855.
114. MORNING CHRONICLE, 15 March 1855.
115. PILOT, 16 March 1855.
116. GLOBE, 23 March 1855. PILOT, 16 March 1855, places this exchange between Mr. MacNab and Mr. Holton earlier in the debate. The order of speakers in this debate follows the pattern contained in the GLOBE, 23 March 1855, and MORNING CHRONICLE, 15 March 1855.
117. PILOT, 16 March 1855.
118. GLOBE, 23 March 1855.
119. IBID.
120. TORONTO DAILY LEADER, 21 March 1855 (in Scrapbook Hansard).
121. GLOBE, 23 March 1855.
122. MORNING CHRONICLE, 15 March 1855.
123. TORONTO DAILY LEADER, 21 March 1855 (in Scrapbook Hansard).
124. GLOBE, 23 March 1855.
125. MORNING CHRONICLE, 15 March 1855.
126. GLOBE, 23 March 1855.
127. IBID.
128. IBID.
129. IBID.
130. IBID.
131. IBID.
132. PILOT, 16 March 1855. Although Mr. Hincks here refers to remarks made by Dr. Rolph, the hon. member for Norfolk, no newspaper account reports his comments on this Address.

133. GLOBE, 23 March 1855.
134. PILOT, 16 March 1855.
135. IBID.
136. GLOBE, 23 March 1855.
137. PILOT, 16 March 1855.
138. MORNING CHRONICLE, 15 March 1855.
139. GLOBE, 23 March 1855.
140. PILOT, 16 March 1855.
141. MORNING CHRONICLE, 15 March 1855.
142. TORONTO DAILY LEADER, 21 March 1855 (in Scrapbook Hansard).
143. TORONTO DAILY LEADER, 21 March 1855 (in Scrapbook Hansard), reports that "Jean Gagné appeared at the bar of the House to answer for his conduct in connection with the Saguenay election, and was heard by Council (sic)."  
This information is also reported by LE PAYS, 17 March 1855. According to the JOURNALS, it was Jean Gagné's Counsel who appeared at the bar this day, and not Jean Gagné.
144. The time at which the House adjourned is reported in PILOT, 16 March 1855: "Evidence in favor of the prisoner was given, and at 11 o'clock the hearing of further testimony was deferred".
145. TORONTO DAILY LEADER, 21 March 1855 (in Scrapbook Hansard).
146. IBID.
147. MORNING CHRONICLE, 15 March 1855.
148. MORNING CHRONICLE, 14 March 1855.
149. IBID.
150. MORNING CHRONICLE, 15 March 1855.
151. PILOT, 16 March 1855.
152. MORNING CHRONICLE, 15 March 1855.
153. PILOT, 16 March 1855.
154. MORNING CHRONICLE, 15 March 1855.
155. PILOT, 16 March 1855.
156. MORNING CHRONICLE, 15 March 1855.
157. PILOT, 16 March 1855.
158. MORNING CHRONICLE, 15 March 1855.
159. IBID.
160. IBID.
161. PILOT, 16 March 1855.
162. TORONTO DAILY LEADER, 21 March 1855 (in Scrapbook Hansard).
163. MORNING CHRONICLE, 15 March 1855.
164. MONTREAL GAZETTE, 16 March 1855.
165. MORNING CHRONICLE, 15 March 1855.
166. PILOT, 16 March 1855.
167. MORNING CHRONICLE, 15 March 1855.
168. IBID.
169. TORONTO DAILY LEADER, 21 March 1855 (in Scrapbook Hansard).
170. MORNING CHRONICLE, 15 March 1855.
171. PILOT, 16 March 1855.
172. MORNING CHRONICLE, 15 March 1855.
173. MONTREAL GAZETTE, 16 March 1855.
174. TORONTO DAILY LEADER, 21 March 1855 (in Scrapbook Hansard).
175. PILOT, 16 March 1855.
176. IBID.
177. TORONTO DAILY LEADER, 21 March 1855 (in Scrapbook Hansard).



- 178. PILOT, 16 March 1855.
- 179. MONTREAL GAZETTE, 16 March 1855.
- 180. MORNING CHRONICLE, 15 March 1855.
- 181. IBID.
- 182. PILOT, 16 March 1855.
- 183. MORNING CHRONICLE, 15 March 1855.
- 184. IBID.
- 185. PILOT, 16 March 1855.

WEDNESDAY, 14 MARCH 1855.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Thibaudeau,--The Petition of F.X. Marcotte and others, of the County of Portneuf; the Petition of the Reverend F. Morin, Curé, and others, of Cap Santé; and the Petition of Antoine Dufresne and others, of the Parish of Deschambault, County of Portneuf.

By Mr. Chapais,--The Petition of Florence DeGuise, Notary, and Philippe Gauvreau, Merchant, of the Parish of Ste. Anne de la Pocatière, in the County of Kamouraska.

By Mr. Bourassa,--The Petition of John Hodgson and others, of the Village and Parish of Lacolle, in the County of Huntingdon.

By Mr. Rhodes,--The Petition of Richard Woodington and others, of the Township of Leeds, County of Megantic.

By Mr. Bellingham,--The Petition of William Wotchon and others, of the Township of Moran; the Petition of James Hammon and others, of Mille-Isles; and the Petition of John Meikle, Chairman, and the Reverend Thomas Henry, Secretary, on behalf of the Board of Directors of the Lachute Academy.

Pursuant to the Order of the day, the following Petitions were read:--

Of Colonel D. Thorndike, of the Royal Artillery, President of the Canada

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Military Asylum, and others, Members of the Acting Committee of the said Asylum praying for aid.

Of John Newman and others, of the Township of Ernestown, United Counties of Frontenac, Lenox and Addington; praying for the passing of an Act to establish the boundary line from the Western to the Eastern side of the said Township of Ernestown, as surveyed in 1810.

Of the Directresses and Lady Managers of the University Lying-in Hospital, Montreal; praying for an aid.

Of the Corporation of St. Mary's College of Montreal; praying for aid.

Of the Municipal Council of the County of Norfolk; praying that a Charter may be granted to an Independent Company for the construction of a Southern Line of Railway uniting the Niagara and Detroit Rivers.

Of the Municipality of the Village of Preston, in the County of Waterloo; praying that authority be granted to Jacob Hespeler, Esquire, to construct a Dam or Breakwater over the Grand River, at or near the said Village, for manufacturing purposes.

Of the Municipal Council of the County of Simcoe; praying for the repeal of that portion of the Upper Canada Municipal Law which provides for the holding of the Annual Municipal Elections, and the Meeting of the County Councils on a Monday.

Of the Corporation of the College of Chambly; praying for aid for the said College.

Of John Prince, Esquire, and others, of the Township of Sandwich, County of Essex; representing that certain Resolutions were passed at a Public Meeting of the Inhabitants of the said Township, approving of the grant of £20,000 to the Widows and Orphans of the Allied Forces in the Crimea, and of an additional great (sic) of £20,000, with authority to Municipalities to assess in behalf of a similar object; and praying that a law be passed, granting the said additional sum of £20,000.

Of Prescott Division, No. 15, of the Order of the Sons of Temperance; of James Kelly and others, of the Township of Russell; of Angus A.C. McMillan and others, of the United Counties of Stormont, Dundas and Glengarry; of Jesse Delong, Esquire, and others, of the Village of Washington and vicinity; and of Samuel Fisher and others, of the Village of Mount Pleasant; praying for the passing of a Prohibitory Liquor Law.

Of Joseph L'Heureux and others, of the Parish of St. Bruno, County of Chambly, Censitaires; and of Jean Baptiste Gervais and others, of the Parish of St. Isidore, County of Laprairie, Censitaires; praying for certain amendments to the Seigniorial Tenure Act.

Of William Winder, Esquire, Librarian to the Legislative Assembly; praying for an increase of salary.

Of the Municipal Council of the County of Oxford; praying for certain amendments to the Municipal Act Amendment Act of Upper Canada, and to the Assessment Laws Consolidation Act of Upper Canada.

Of the Municipal Council of the County of Perth; praying that the 5th Section of the Act 16 Vic. cap. 269, may be repealed in so far as the same affects the Buffalo, Brantford and Goderich Railway Company.

Of the Niagara District Bank; praying for an Act of Incorporation on the same terms as other Chartered Banks.

Of the Municipality of the Township of Louth; praying that the Great Western Railway Company may not be allowed to make and keep up a stationary Bridge across Twenty-Mile Creek.

Of the London Hotel Company; praying for the repeal of the last Clause of the Act 13 & 14 Vic. cap. 28.

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Of the Reverend A. Gosselin and others, of St. Jean and other Parishes in the Island of Orleans; praying aid for the construction of a Wharf.

Of the Reverend E. Durocher, Curé, and others, of the Parish of Beloeil; praying for aid to enable them to finish an Academy in the said Parish, now in course of construction.

Ordered, That the Petition of the President and Directors of the Agricultural Society of the County of Welland, be referred to the Select Committee appointed to enquire into the state of Agriculture in Lower Canada.

The Honorable Mr. Cameron reported from the Select Committee on the Bill to amend the Criminal Law of Canada, and other references, with power to report from time to time, That the Committee had gone through the Bill to amend the Criminal Law of Canada, and the Bill to amend the Act 4 & 5 Vic. cap. 27, consolidating the Laws relative to offences against the person, and made amendments to each of the said Bills.

Ordered, That the Bill to amend the Criminal Law, be committed to a Committee of the whole House, for To-morrow.

Ordered, That Mr. Jackson have leave to bring in a Bill to make better provisions for carrying into effect the Law regulating the incorporation of Villages or Hamlets, the erection of incorporated Villages into Towns, the incorporation of Towns, and the erection of Towns into Cities in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

MR. DUFRESNE moved the remission of the usual fee upon the bill to incorporate the Assomption River and Railway Company. He said the Rawdon Railway Company, which had already paid the fee on its charter, desired to undertake the improvement of the navigation of this river, having been forced to do so by a disagreement with the Industry Railway Company, over whose line they had heretofore reached the St. Lawrence. The work was one of public importance, as was evidenced by a survey made under directions of the Commissioners of Public Works in 1848.<sup>1</sup>

On motion of MR. MERRITT ... the fee was also remitted on the bill to extend the time for the completion of South (sic) Harbor<sup>2</sup>.

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*Ordered, That that part of the 67th Rule of this House which requires the payment of the sum of Fifteen pounds immediately after the second reading of a Bill; be suspended as regards the Bill to incorporate L'Assomption River and Railroad Company, and the Bill to extend the time for completing the Louth Harbour.*

MR. LYON introduced a Bill to give summary protection to persons printing, distributing, or publishing parliamentary papers. He stated that he had himself been the subject of prosecution at one of the Assizes for libel for having distributed a paper printed by order of this House. The charge against him was that he had transmitted one of those papers to one of his constituents<sup>3</sup>. He had looked at the English law passed after the celebrated case of Stockdale vs. Hansard, but found it did not protect the members of that House.<sup>4</sup> There was no protection for parties distributing any papers of this House, which could be construed into being of a libellous character. On that occasion he had found that the hon. member for Glengary (Mr. Macdonald) and the Judge then presiding in the Ottawa Court, had distributed that same document, and had the prosecution against himself been proceeded with, he would have had both those gentlemen indicted.<sup>5</sup>

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*Ordered, That Mr. Lyon have leave to bring in a Bill to give summary protection to persons printing, distributing or publishing of Parliamentary Papers.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.*

*Ordered, That Mr. Lyon have leave to bring in a Bill to facilitate the issue of Commissions and securing the attendance of Witnesses in Suits pending or to be brought in the several Courts of Record of Upper Canada.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.*

MR. AT. GEN. DRUMMOND introduced a bill respecting the Montreal Harbor Commissioners, explaining that there would be three Government Commissioners, and the Mayor of the city and President of the Board of Trade, would be ex officio members of the board. In proposing this organization the government had principally in view a continuation of the improvements in Lake St. Peter, and did not wish it to be understood that they would assume the responsibility of any extensive plan of Harbor improvement which might hereafter be devised.<sup>6</sup>



MR. A. DORION, of Montreal, thought the proposed arrangement would be satisfactory to the people of that city.<sup>7</sup>

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*Ordered, That the Honorable Mr. Attorney General Drummond have leave to bring in a Bill to repeal the Act 16 Vic. cap. 24, and to make other provision for the management of the Harbour of Montreal.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.*

*On motion of Mr. Pouliot, seconded by the Honorable Mr. Chauveau,*

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*Ordered, That the Order for the further examination of Witnesses on the part of Jean Gagné, be postponed until Seven o'clock this day.*

On motion of MR. GALT, the House went into Committee of the Whole on the Bill to incorporate the Eastern Townships' Bank.<sup>8</sup> [He] said the bill was the same in all its clauses, with one or two trifling exceptions, as the charter of the Bank of Montreal.<sup>9</sup> The Bill had been altered since the former part of the Session, so as to remove the objection of an insufficient banking capital then brought against it.<sup>10</sup> It was intended that this Bank should give every security to the public and to those who should receive its notes.<sup>11</sup> It now provided that the capital of the Company should be £250,000, and that the Company should be permitted to be organized, whenever £100,000 were subscribed, and £25,000 paid in, five years being allowed for the subscription of the whole capital.<sup>12</sup> £20,000 was to consist of Montreal Debentures. There would be no county bank in the Province with so large a paid capital.<sup>13</sup>

MR. YOUNG wished to know if the Bill met the views of Government.<sup>14</sup>

MR. INSP. GEN. CAYLEY stated he had looked at the Bill and there would be no objection to it on the part of the Government, and he believed it to be the same precisely as the Bill incorporating the Bank of Montreal.<sup>15</sup>

MR. YOUNG had the same objection to this bill as he had to all other bills of the same class. He did not think it was for the public interest that small charters should be given to them. They would have innumerable applications for such charters; he would be seeking ... one for himself. Such companies going into banking business with £25,000 could not be for the public interest.<sup>16</sup>

The Bill having been adopted with some amendments, the Committee rose.<sup>17</sup>

After the lapse of an hour, MR. SICOTTE the SPEAKER announced the Report of the Committee<sup>18</sup>.

MR. GALT moved that the House receive the report of the Committee to-morrow.<sup>19</sup>

MR. MACKENZIE repeated the objections he entertained to all banking institutions, of the class to which this belonged. It was a curious circumstance, he said, that notwithstanding the additional facilities given in the early part of the Session to the chartered banks, they had never at any period been so pinched for money as since those Acts were passed.<sup>20</sup> The good done by Banks of this kind in pinched times was of very little service; when difficulty came most of these banks showed only a beggarly account of empty boxes. He thought they were the source of much mischief and disaster.<sup>21</sup> He did not think they afforded

sufficient security, and unless there was more virtue among those who managed those banks than generally fell to the lot of mankind, he believed the system would be followed with disastrous consequences to the country.<sup>22</sup>

MR. INSP. GEN. CAYLEY.--As to the security of Charter Banks, security was required in double the actual amount. As to the Banks of Upper Canada it was well known they were founded on no dangerous system. The Free Banking system did not give more security than the Charter.<sup>23</sup>

MR. MERRITT considered the Free Banking system as the best, and pointed to its operation in New York State as a proof of the correctness of his views. It might be that the depositors were not secure, but the great aim of all real financiers had always been chiefly directed to the point of securing the value of the paper currency of the country.<sup>24</sup>

MR. MACKENZIE called for the Yeas and Nays, to give him an opportunity of recording his vote against the measure, but,<sup>25</sup>--

MR. SICOTTE the SPEAKER informed him that he would have that opportunity tomorrow, on the question of receiving the Committee's Report.<sup>26</sup>

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*The House, according to Order, resolved itself into a Committee on the Bill to incorporate the Eastern Townships Bank; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Whitney reported, That the Committee had gone through the Bill, and made amendments thereunto.*

*Ordered, That the Report be received To-morrow.*

*The Honorable Mr. Cauchon, one of Her Majesty's Executive Council, presented, by Command of His Excellency the Governor General,--Statement of sums expended out of the grant of Thirty thousand pounds voted towards aiding the settlement of the vacant Lands in Lower Canada, under the 16 Vic. caps. 155 and 156.*

*For the said Statement, see Appendix (M.M.)*

*Ordered, That the said Statement be printed for the use of the Members of this House.*

*The Order of this House, of Monday the fourth day of December last, for the attendance of Jean George Lebel, Esquire, Deputy Returning Officer for the Parish of St. Hermas, at the Bar of the House, to give an account of his conduct at the Election of the County of Argenteuil, being read;*

*And the House being informed that Mr. Lebel attended at the door, he was called in.*

*On motion of the Honorable Mr. Attorney General Drummond, seconded by the Honorable Sir Allan N. MacNab, the Final Report of the Select Committee on the Argenteuil Election Petition was read; and Mr. Speaker called upon Mr. Lebel to state what he had to say in his defence.*

*A Petition of Jean George Lebel, of the Parish of St. Hermas, in the County [of] Argenteuil, was then presented to the House by Mr. Bellingham, and the same was received and read; setting forth: That the Petitioner acted in the capacity of Deputy Returning Officer for the Parish of St. Hermas, during the Election held on the 31st day of July and 1st August 1854: That the respective Candidates were Sydney Bellingham and Robert Simpson, Esquires: That on the second day's polling, about noon, the Petitioner received a letter from the Reverend Mr. Poulin, Curé of the Parish of St. Hermas, stating that he apprehended violence and rioting in the Village of St. Hermas aforesaid: That in consequence*

of the said letter from the Curé of the said Parish, the Petitioner communicated the contents thereof to the said Robert Simpson, Esquire, and one Carmichael, an Elector of the County of Two Mountains, who alleged himself to be the representative of the said Sydney Bellingham, Esquire, at the Poll held at the said Parish of St. Hermas: That the said Robert Simpson, Esquire, after having had communication of the said letter from the said Reverend Mr. Poulin, requested the Petitioner to close the said Poll, and the Petitioner having likewise referred the matter to the said Carmichael as representing the said Sydney Bellingham, and having been likewise requested by the said Carmichael in his capacity aforesaid, to close the said Poll, did accordingly close the Poll-book at the hour of ten minutes to ten A.M., on the said first day of August, 1854, being the second day of polling: That the said Robert Simpson, Esquire, subsequent to the Petitioner's closing the Poll-book as aforesaid, refused to certify on the said Poll-book his consent thereto: That the Petitioner is prepared to substantiate the fact, when afforded an opportunity for that purpose, by the evidence of credible and trustworthy witnesses, that the said Robert Simpson, Esquire, did personally request the Petitioner to close the said Poll-book as

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aforesaid: That at the time of the closing of the said Poll-book, there were not any Electors attending the said Poll of St. Hermas, for the purpose of recording their votes: That from the hour when the Petitioner so closed the said Poll-book as aforesaid, until the hour of five P.M., of the said second day's polling, none of the Electors of the said Parish applied to the Petitioner to record their votes, and none of the said Electors either then or subsequently complained of having been deprived of an opportunity of recording their votes in consequence of the aforesaid closing of the said Poll-book: That the Petitioner's conduct has not been complained of by any of the Electors of the said Parish of St. Hermas, or of any other part of the said County in which the said Parish is situated: That the Petitioner would not have closed the said Poll-book if he had believed he was acting illegally: That the Petitioner would not have listened to the request of the said Robert Simpson, Esquire, to close the said Poll-book as aforesaid, if he had supposed himself liable to be complained of by the said Robert Simpson, Esquire; and praying the House to grant him an opportunity to disprove the charges against him as Deputy Returning Officer at the last General Election for the County of Argenteuil, in a Petition of the said Robert Simpson, Esquire, to the House during the present Session.

Ordered, That the said Petition be printed for the use of the Members of this House.

On motion of the Honorable Mr. Attorney General Drummond, seconded by the Honorable Sir Allan N. MacNab,

Ordered, That Mr. Speaker do call upon Mr. Lebel to state whether he has any Witnesses to produce in support of his Petition.

And Mr. Lebel having been called upon by Mr. Speaker to state whether he had any Witnesses to produce; he answered, that he had no Witnesses to produce, but that he was in possession of two Affidavits in support of the allegations contained in his Petition.

And then he was directed to withdraw.

MR. AT. GEN. DRUMMOND suggested and moved that the prisoner at the Bar be asked whether he had witnesses in attendance to testify to the allegation contained in his petition.<sup>27</sup>



MR. FELTON was surprised to find that there was not a tittle of evidence<sup>28</sup> against this gentleman, but his own statement,<sup>29</sup> in the report of the Election Committee, to substantiate the charges for which the prisoner had been brought to the Bar.<sup>30</sup>

MR. SICOTTE the SPEAKER called the Hon. gentleman to order.<sup>31</sup> [He] asked the prisoner if he had any evidence to adduce.<sup>32</sup>

MR. FOLEY thought it a pity that the Hon. gentleman could not have an opportunity of displaying himself.<sup>33</sup>

Mr. Label said that he had no witnesses, but that he had two affidavits submitted along with petitions testifying to the truth of the statements in his petition.<sup>34</sup>

MR. AT. GEN. DRUMMOND.--The affidavits cannot be accepted as evidence.<sup>35</sup>

MR. BELLINGHAM.--The prisoner at the Bar never could have expected that he would have been required to bring down witnesses in his defence, as in truth he was accused of nothing except closing the poll at an improper time.<sup>36</sup> [He] said there was no evidence against him and the best way was for the member for Leinster to proceed with his prosecution, and if he could make nothing more out than at present the only thing for the House was to discharge the prisoner.<sup>37</sup>

MR. AT. GEN. DRUMMOND said the member for Leinster had no more to do with it than any one else.<sup>38</sup> The Committee having reported a flagrant violation of the law, it was the duty of the Government to investigate this matter as well as the other cases already disposed of. There were apparently a great many exonerating circumstances, the polls having been surrounded, but nevertheless the examination ought to be proceeded with. Had he any witnesses to bring up there might be delay, but he had declared that he had none.<sup>39</sup> If the statements in the affidavits were true though it did not justify the Returning officer in closing the poll so early to say that he had the consent of the candidates, he thought that would go far to excuse him.<sup>40</sup> The affidavits were not sufficient evidence and the closing of a poll without sufficient cause was a very serious matter, and unless the gentleman at the Bar could give the House something more than was contained in the petition, the House must follow up the matter in the same stern manner that it had done in other cases.<sup>41</sup> It seemed, however, that the statements made by himself under oath in the poll books, and that now, were all contradictory. First the prisoner said in the poll book that he closed the poll by the consent of the parties--then these words were struck out and he said it was par cause de trouble. In another place came a statement that he had consulted the parties about closing the poll on account of the danger of violence<sup>42</sup>. It was stated that there were a good many strangers armed with sticks and apparently ready to fight, and also that he was informed that there had been a fight.<sup>43</sup> But after all came the further declarations that he did not mean to say that either of the parties had consented to<sup>44</sup> [OR] requested him to close the poll.<sup>45</sup> The Returning officer had no right to close the poll even with the consent of parties; but if that were made out, he should not feel inclined to call on the House to punish him.<sup>46</sup>

MR. BELLINGHAM would be the last person that would stand up in the House to vindicate the gentleman at the Bar, if he was not perfectly certain of his innocence. He admitted the principle, as stated by the Honorable Attorney General East, that the fact of the Gentleman at the Bar, although requested by



both the Candidates to close the Poll, and although not one single Elector had complained, yet he acted illegally in doing so. It was true that one of the Candidates afterwards withdrew that permission. He did so when he knew he could not poll another vote, but he trusted that from the facts that the House would extend its sympathy. The Gentleman was brought to the bar to offer explanations of facts with which he was charged, and trusted he would be allowed to do so.<sup>47</sup>

DR. MASSON thought it no wonder there should be these discrepancies in the poll book, for in the petition which the returning officer had sent in he said he had closed the poll at ten minutes past 10 o'clock, w[h]ereas in the poll book he said it was ten minutes past 1. He, Mr. Masson, was an elector in that Parish, and he said that if necessary proof would come before the Committee, that there were seventy electors to vote when the poll was closed in St. Hermas. The returning officer said there were none left; but how did he know, he had run away to St. Andrews, 15 miles off. Without being a lawyer, he thought no man could act against the law even with the consent of the candidates.<sup>48</sup> The prisoner at the bar was a professional man, and ought to know that he had no right to close the Poll even with the request of the Candidates.<sup>49</sup>

MR. BELLINGHAM.--If 70 voters were deprived of their privilege of voting, not one had complained. It was alleged that after the closing of the Poll he went off to a distance of fifteen miles; that was a mistake of the honorable member (Mr. Masson) the distance was exactly seven miles.<sup>50</sup> The Returning officer after leaving St. Hermas had gone to St. Andrews to consult the chief Returning officer, Mr. DeHertel. There Mr. Simpson who had consented to the closing of the poll attempted to obtain another day of voting; and finding that he could not succeed in that he complained of the closing. The member for Soulanges made a mistake in saying that the petition stated that the poll was closed at ten minutes past 10; it said ten minutes past 1 o'clock.<sup>51</sup> The most that could be said was that Mr. Label was ignorant of the law. And it would appear plain to the House that such was the fact, for he offered the Candidate who complained another day's polling thinking he was entitled to it. The facts related by the honorable gentleman were not stated in petition. The hon. gentleman had been drawing on his imagination for them. He was desirous of a full and fair enquiry being had, and was convinced that the more the House heard of the facts, the more would they incline towards the gentleman at the bar.<sup>52</sup>

DR. MASSON had himself presented a petition, signed by between four and five hundred electors, with the Rev. Mr. Maire at their head, against the return of the sitting member, upon which petition that gentleman was unseated, so that when he said there were no complaints he said what was untrue.<sup>53</sup>

MR. TURCOTTE said that this Returning officer had evidently signed several different statements in a poll-book, which he was bound to verify on oath. His natural disposition was to leniency; but if this sort of thing went on elections would become good for nothing.<sup>54</sup>

MR. BELLINGHAM declared that the prisoner was forced by threats of personal violence to make this altered statement alleging that there was no consent to the closing of the poll.<sup>55</sup>

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*A Message from the Legislative Council by John Pennings Taylor, Esquire, one of the Masters in Chancery:--*<sup>56</sup>

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to amend the Act to authorize the construction of a Railway from Galt to Guelph," without any Amendment: And also,

The Legislative Council have passed a Bill, intituled, "An Act to extend the powers of the Consumers' Gas Company of Toronto," to which they desire the concurrence of this House: And also,

The Legislative Council give leave to the Honorable Louis Panet, one of their Members, to attend and give evidence before this House on the matter of the accusation against Jean Gagné in relation to the last Election but one for the County of Saguenay, if he thinks fit: And also,

The Legislative Council give leave to the Honorable Etienne Paschal Taché, and the Honorable Joseph Legaré, two of their Members to appear and give evidence before the Select Committee of this House on the Quebec Election Petition, if they think fit.

And then he withdrew.

On motion of MR. CAMERON<sup>57</sup>,

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A Bill from the Legislative Council, intituled, "An Act to extend the powers of the Consumers' Gas Company of Toronto," was read for the first time.

On motion of the Honorable Mr. Cameron, seconded by Mr. Gamble,

Ordered, That the Bill be read a second time on Monday next.

The Prisoner at the bar, who had been permitted to retire for a few minutes having re-appeared at the Bar.<sup>58</sup>

MR. BELLINGHAM repeated his former statement.<sup>59</sup>

DR. MASSON said that at St. Thomas there was no row, although at St. Placide there were a few broken noses.<sup>60</sup> [He] said he surely was not afraid of the violence of the partizans of Mr. Bellingham and as for the other side, he lived among them, and knew there were peaceable men.<sup>61</sup> The people of St. Thomas were very peaceable not like the inhabitants of Riviere Ouelle the native place of the prisoner at the bar and where the house had evidence of turbulence. Yes! the prisoner at the bar was born at Riviere Ouelle. (Laughter.)<sup>62</sup> If the poll-book were examined it would be found to contain presumptive evidence that the prisoner had acted as Mr. Bellingham's agent in distributing his circulars, for the leaves were full of those circulars.<sup>63</sup>

On the reassembling of the House at seven o'clock the case of Jean Gagne, which was postponed till that hour, was called.<sup>64</sup>

MR. POULIOT asked that the House might delay proceeding with the matter for a quarter of an hour longer, by which time the hon. Mr. Banet (sic) would be in attendance as a witness for the gentleman at the Bar.<sup>65</sup>

MR. FELTON saw the Hon. Mr. Panet in the House, and thought the matter might be proceeded with.<sup>66</sup>

MR. AT. GEN. DRUMMOND.--The case of Labelle could be proceeded with if this matter were postponed for a quarter of an hour, and would be disposed of by that time.<sup>67</sup>

Mr. Jean George Labelle was accordingly placed at the Bar.<sup>68</sup>

MR. POULIOT said, that the case of the gentleman at the Bar was one, in which if there was any fault, it was one of error in judgment, in which there were many extraordinary circumstances. If the gentleman had in the opinion of the House been guilty, he now threw himself upon its mercy, and had prepared a declaration of the facts, which he would move to be received by the House.<sup>69</sup>

DR. MASSON.--There were no extenuating circumstances in the case; the gentleman at the bar was a professional man, and should have known his duty. He charged the gentleman at the bar with acting in collusion and favorably towards one of the candidates.<sup>70</sup>

MR. POULIOT rose to speak again.<sup>71</sup>

MR. J.S. MACDONALD (Glengary) called order; the hon gentleman had spoken already. (Cries of order.)<sup>72</sup>

Mr. Labelle's declaration was then read<sup>73</sup>.

MR. POULIOT, seconded by MR. BELLINGHAM moved that the declaration of Mr. Labelle be accepted<sup>74</sup>.

This was opposed by several hon. gentlemen who proposed in amendment that the words accepted be left out.<sup>75</sup>

MR. LARWILL objected to the motion and to a great part of the declaration--there were no extenuating circumstances in this case--the gentleman at the Bar was an educated professional man and was presumed to know his duty. He hoped the government would act with no leniency towards the gentleman. His defence amounted to this that he heard from an influential gentleman that violence might be used. No evidence had been given to support the gentleman's petition.<sup>76</sup>

MR. POWELL.--This discussion as far as he could judge was carried on with great acrimony and made a party question of. He regretted that it was not considered as it should have been, by every honorable member, a gross contempt of the privileges of the House. He regretted that such conduct should take place so frequently at elections in Lower Canada--and was proud to say that Upper Canada stood out in bold relief in contrast. A lesson should be administered to Returning Officers, which would have the effect in future of preventing such disgraceful conduct. He was desirous that elections should not be carried by fraud and violence and not that any man should be prosecuted for an error of judgment, but he differed from the statements made in this, that the gentleman acted in ignorance. He did not produce evidence as stated in his petition. His own affidavit was all the defence he relied on--and he thought that the House in considering his declaration should temper justice with mercy.<sup>77</sup>

MR. A. DORION (Montreal).--The House considering the apology ought not to inflict a severe punishment.<sup>78</sup>

MR. PRES. EX. COUN. MACNAB said he hoped the House would not forget what was due to itself in this case.<sup>79</sup> Whether the declaration of the Returning Officer was accepted or not, it appeared that the gentleman is a professional man, one who is presumed to read the law, and ought to understand it, and surely he ought to have known that he had no right to close the Poll before the period allowed by law. But what does he tell you? there would be a great fight. It was his duty to have taken means to suppress it.<sup>80</sup> It would not do now for him merely to say what any other man could tell us, whenever a row was got up, for the purpose of furnishing an excuse to close the polls. He considered [it] a high



contempt of the House to close the polls till the hour allowed by the law, for the people had a right to go and record their votes, whatever might be the agreement of the candidates. He did not mean to say the case was as bad as some others that had been before the House; but<sup>81</sup> if the House did not take means to punish it in a proper way it would be turned into ridicule. The gentleman now admitted his guilt because every one in the House knew it. He would only say that the House had a duty to perform.<sup>82</sup>

MR. CHABOT thought the Returning Officer had made no defence, and deserved to be punished.<sup>83</sup>

MR. CAMERON. The apology as he understood it stated that one of the Candidates had withdrawn before closing the poll, and if that was the case, and that the Returning Officer had closed it on that account, he could not consider that he had committed a wilful contempt. But if he had closed the poll to secure a majority for one of the Candidates, the House ought certainly to make an example of such conduct by the severest punishment. Although accepting apology, it would be for the House to consider and decide upon the whole of the case.<sup>84</sup>

MR. LARWILL spoke again, and said that an example should be made to suppress violence at the Polls.<sup>85</sup>

MR. AT. GEN. DRUMMOND moved that the petition be received and read, but not accepted. Carried.... [He] then moved that J.G. Labelle, Esq., has been guilty of breach of privilege.<sup>86</sup>

MR. TURCOTTE, on the motion being put to the vote, said he voted in the negative because the House had no right to interfere in a matter of which only the Ordinary Law Courts could take cognizance.<sup>87</sup>

MR. AT. GEN. DRUMMOND. It is only since last night that the honorable gentleman has made such a discovery. He held quite an opposite opinion.... [He] moved that the prisoner be committed to the common gaol of the District for 24 hours, and explained that some punishment was necessary to show to the County that the polls could not be closed improperly without punishment.<sup>88</sup>

MR. TURCOTTE denied that he had changed his opinions. He had always maintained that the House had the same privileges as the House of Commons in England, but he asserted that Labelle had violated not a privilege, but a law of the land, and was amenable to the Ordinary Courts of Justice.<sup>89</sup>

MR. PAPIN contrasted the conduct of the government towards the Saguenay Returning Officers with their conduct towards the Returning Officer of Argenteuil who having more heavily sinned was to be more leniently punished. It was the spirit of party that influenced their judgments. This culprit had returned a member to the House favorable to them.<sup>90</sup>

MR. POULIOT in reply said that the Government had shown no partiality for the member returned at the collusive Saguenay election<sup>91</sup>. Mr. Huot<sup>92</sup> was at the time a supporter of the Government.<sup>93</sup> The decision which the government had shown did them honor.<sup>94</sup>

MR. BELLINGHAM said that the party opposed to him had threatened to burn the village.<sup>95</sup>

MR. O'FARRELL spoke in favor of the motion and against the assumptions of Mr. Papin.<sup>96</sup> [He said] that the circulars of Mr. Bellingham found in the poll-book were not those relating to the election of June; but of a date of November,



so that he could not have been guilty in the manner Mr. Masson affected to believe.<sup>97</sup>

MR. LABERGE supported Mr. Papin.<sup>98</sup>

MR. LORANGER ridiculed both Papin and Laberge.<sup>99</sup>

The motion was then carried.<sup>100</sup>

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Mr. Jean George Lebel was then again called in; and offered a written Declaration.

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On motion of Mr. Pouliot, seconded by Mr. Bellingham,  
Ordered, That the said Declaration be now received, and read.

And the said Declaration was read accordingly; and is as followeth:--

I declare to this Honorable House that the course of conduct pursued by me as Deputy Returning Officer at St. Hermas, at the last Election but one for the County of Argenteuil, was influenced only by a desire of preventing a disturbance in consideration of the appearance of a riot impending, and of avoiding the effusion of blood. I considered myself justified in so acting, having the consent of both Candidates, (such consent being afterwards withdrawn by Mr. Simpson, one of them,) and this proves that they themselves had serious apprehensions.

I acknowledge that I acted illegally; but I did so through ignorance of the law, not led by party feeling nor by partiality for any one of the Candidates. I regret it, and I throw myself on the mercy of this Honorable House, hoping that they will deign to ... treat me with some forbearance.

J. Geo. Lebel.

Quebec, 14th March, 1855.

On motion of the Honorable Mr. Attorney General Drummond, seconded by the Honorable Sir Allan N. MacNab,

Resolved, That Jean George Lebel, of the Parish of St. Hermas, Notary Public, having, as Deputy Returning Officer for the said Parish, at the Election of a Member to represent the County of Argenteuil in Parliament, held in July and August 1854, closed the Poll for the said Parish several hours before the time prescribed by law, without any adequate reason for so doing, has been guilty of contempt and of a breach of the privileges of this House.

Ordered, That the said Jean George Lebel be committed, for the said offence, to the Common Gaol of the District of Quebec, for a period of twenty-four hours, and that Mr. Speaker do issue his Warrant accordingly.

The Order of the House of Tuesday the sixth instant, for the attendance of William Frederick Powell, Esquire, in his place in this House, being read;<sup>101</sup>

Ordered, That the 84th Section of "The Election Petitions Act of 1851" be now read:--And the same being read;

Ordered, That William Frederick Powell, Esquire, being one of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Montmagny, and not having been present within one hour after the time appointed for the meeting of the Committee, on Tuesday the sixth instant, be taken into the custody of the Serjeant-at-Arms attending this House, for such neglect of duty.

The Serjeant-at-Arms attending this House, informed the House, That he had taken William Frederick Powell, Esquire, into his custody.

Whereupon Mr. Laberge acquainted the House, that he was desired by Mr. Powell to state, That his absence from attendance on the Montmagny Election Committee on Tuesday the sixth instant, occurred from his being obliged to leave the City in consequence of family bereavement; and the same having been verified upon Oath by Mr. Powell;

Ordered, That William Frederick Powell, Esquire, be discharged out of custody, without payment of Fees.

The Order for the further examination of Witnesses on the part of Mr. Jean Gagné, being read;

And the House being informed that Mr. Gagné attended at the door, he was called in.

On motion of Mr. Pouliot, seconded by Mr. Desaulniers,

Ordered, That the Honorable Louis Panet be now heard as a Witness on the behalf of the said Mr. Gagné.

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And the House being informed that the Honorable Louis Panet, a Member of the Legislative Council, was in attendance, he was called in; and examined within the Bar, as followeth:--

By Mr. Pouliot:--

1. Are you not Louis Panet, of the City of Quebec, Notary, and a Member of the Legislative Council?--I am.

2. Are not you well acquainted with the handwriting of Jean Gagné, Esquire, of the Parish of La Malbaie, Notary, the person now at the Bar, having frequently seen him write?--I am thoroughly acquainted with the handwriting of Jean Gagné, the person now at the Bar, having frequently seen him write, and sign his name.

3. Is it not true that the said Jean Gagné studied the Notarial Profession with you, and subsequently became your partner?--It is true that Jean Gagné studied the Notarial Profession with me, and that he was subsequently my partner for the period I believe of two years.

4. Is it not true that you have seen signed or countersigned hundreds of Deeds and Documents which have been written by the hand of the said Jean Gagné?--It is.

5. Is it not true that you have this day carefully examined the Poll-book for the Parish of St. Fidèle, returned as such at the last Election but one for the County of Saguenay; and will you state whether or not any of the votes taken down therein are in the handwriting of the said Jean Gagné, and more particularly any of those between the numbers 1700 and 1760?--It is true that I saw the Poll-book this day, but I no where recognized the handwriting of the said Jean Gagné, not even between the entries, numbers 1700 and 1760.

6. What character does the said Jean Gagné bear, and what reputation has he enjoyed since you have been acquainted with him?--The character of the said Jean Gagné has always appeared to me to be irreproachable, and I think that he has always enjoyed a good reputation.

And then he was directed to withdraw.

On motion of Mr. Pouliot, seconded by Mr. Desaulniers,

Ordered, That Mr. Gagné be now heard by Counsel.

F. Réal Angers, Esquire, was then called in; and heard, at the Bar, as Counsel on the part of M. Gagné.

And then he was directed to withdraw.

MR. AT. GEN. DRUMMOND moved a resolution to the effect that the accused party had been guilty of a breach of the privileges of the House.<sup>102</sup> [He] said that the Returning Officer and Deputy Returning Officers had already appeared at the bar of that House to answer for their conduct in reference to the election for the County of Saguenay. It did not appear that Mr. Gagne was either Returning Officer, Deputy Returning Officer, or even Poll Clerk.<sup>103</sup> He held no official position which justified him in becoming possessed of the Poll-book in question.<sup>104</sup> The Poll Book which should have been in the custody of ... [John McLaren], Deputy Returning Officer, and who had obtained time from the House to bring up his witnesses--came into the hands of the gentleman at the bar, as he says, from a person whom he did not know and who came to his house and delivered it to him in the middle of the night, and he, instead of saying to that mysterious person to go and give the book to the person legally entitled to receive it,--Mr. Duberge[r], the Returning Officer--takes the Book, tots up the votes, and puts it into the hands of the Returning Officer, the next day, in the presence of a number of persons whom he takes to accompany him. He held the Poll Book in his hands; part of it was sent down by the Clerk in Chancery, containing a sufficient number of pages and ruled columns for the purpose, but there was the addition of one, two, three different sized volumes to it; and it contained no less than between four and five thousand names, although the population of the parish, as appeared by the census was only 600.<sup>105</sup> The affidavits of the Returning officer and Poll clerk which should have been attached to the book were loose within it. Concerning these circumstances Mr. Gagné offered no explanation to Mr. Duberger, and none that could be deemed satisfactory to the Committee or the House.<sup>106</sup> How did the Poll Book get out of the hands of those legally entitled to retain it? The House could only conjecture, and presume that collusion must have existed between McLaren and the gentleman at the bar. It was clearly proved, no doubt that the names in the Poll Book were not in the handwriting of Mr. Gagne;--but if he did not record those names himself, it was supposed that he was privy to it. He must have been aware that there was something wrong, the number of names recorded must have struck him. Under all the circumstances, he conceived that the gentleman was guilty of a gross breach of public duty. He had violated the duties of an elector and a subject, and deserved to be punished.<sup>107</sup>

MR. POULIOT held that in this proceeding the house was assuming privileges that did not belong to it.<sup>108</sup> [He] contended that under the 42nd section of the Act 12 Vic., cap. 27 jurisdiction was given to the ordinary courts of justice to try this offence<sup>109</sup>. The Election Act did not provide for the punishment of cases such as that before the House and further declared the punishment for collusive dealings with the poll books was punishable by the Court. The house has not the power of dealing with the case, and the Committee had no right to make the report they did, or accuse the prisoner at the bar as they had done, inasmuch as he was not an officer under the Election Act. But assuming that such right was possessed by the Committee and the House, the accusation against Mr. Gagne had been sustained by no proof.<sup>110</sup> They should not presume it, but give the benefit of a doubt to the accused.<sup>111</sup>

The motion was carried.<sup>112</sup>

MR. AT. GEN. DRUMMOND thought there was one line wanting in the evidence, which if it had been furnished would have made Mr. Gagne the most guilty of any of the prisoners before the house. Had the poll-book been handed by Mr. McLaren to Mr. Gagne, the falsification must have been regarded as his. He (Mr. Gagne)



asserts that the poll-book was given to him by a person unknown to him, that he did not enter the names, though he did add them up. He (Mr. Drummond) was therefore not disposed to deal with him so harshly as he would had the link been supplied. He moved that Jean Gagne be imprisoned for 24 hours in the common jail.<sup>113</sup>

MR. POULIOT thought the punishment too severe. He would prefer a reprimand<sup>114</sup>. [He] moved in amendment that the prisoner should be censured and admonished by Mr. Speaker.<sup>115</sup>

MR. MACKENZIE thought the tone given the proceedings of the House had been altogether too trifling and jocular for a matter of such importance. What would become of their elective institutions and responsible government, if these electoral frauds were continued, or were not sternly repressed? He had no feeling with regard to this man, or those which had been previously tried. He had never even heard their names before the Committee reported them to the House; he had never seen them before they were brought to the bar of the House, and should probably never see them again.<sup>116</sup> A gentleman from the Legislative Council had been brought down as a witness, and had proved the intelligence of the party accused. He thought the evidence conclusive of the guilt of the prisoner.<sup>117</sup> The proceedings in which they had been proved to be participators were of a most outrageous kind, and must be punished. Such flagitious acts had never before been recorded in the annals of Canada as those which were performed during the last General Election at Kamouraska and Saguenay; and it pained him to find it stated in the Report of the Committee that these acts were shared in by both political parties, and not regarded in a proper light by the people generally. When he heard that, and all the stories about the sums of money expended in elections, he feared that the people of this country did not prize as they ought the political privileges they enjoyed.<sup>118</sup> He regretted much to think that these fraudulent proceedings were known and countenanced by the people generally, and thought the fact struck a blow at the Union.<sup>119</sup> What could be more noble than (sic) the representatives of a free people possessed of a noble country watered by the noblest river in the world--to see the representatives of such a people sitting in a free assembly and speaking in the language of freemen, and legislating according to the popular will.<sup>120</sup> The House had an important duty to perform in teaching the people the value of their electoral rights, and they could not better do it, than by marking with their strongest disapprobation the violators of those rights.<sup>121</sup> He feared men who could act in the way described did not properly appreciate the difference between their position and that of the Poles and other people in the old world who were trodden under the evil<sup>122</sup> [OR] heel<sup>123</sup> of despotism.<sup>124</sup> He would vote for the original motion.<sup>125</sup>

MR. PAPIN and MR. A. DORION both contended that if government were right in the punishment of Gagné, they had erred in punishing some of the returning officers, with ten days imprisonment.<sup>126</sup>

[MR. A. DORION] thought the proof of complicity was not such as to justify a condemnation.<sup>127</sup> The Attorney General East had virtually acknowledged the fact, and under that impression he would vote for the amendment.<sup>128</sup>

MR. LORANGER ... thought it a hard case that the member for L'Assomption, should grumble at government the other night when they were too severe, and grumble now when they did better.<sup>129</sup> [He] thought the evidence conclusive, and was fully condemnatory of Mr. Gagne. He would vote for the original motion.<sup>130</sup>



(686)

The Honorable Mr. Attorney General Drummond moved, seconded by the Honorable Sir Allan N. MacNab, and the Question being put, That Jean Gagné, of the Parish of St. Etienne de la Malbaie, Notary Public, has been guilty of a gross fraud and of a breach of the privileges of this House, in being privy to the fraudulent registration, on the Poll-book of the Parish of St. Fidèle, of a number of names of persons having no right to vote, and of fictitious names as those of persons having a right to vote "at the Election of a Member to represent the County of Saguenay, held in the month of August, 1854," and as having returned the said Poll-book to the Returning Officer knowing that it contained such names, and in otherwise being privy to the falsification of the said Poll-book; the House divided: and the names being called for, they were taken down, as follow:--

(686-687)

YEAS.

Messieurs Aikins, Bell, Brown, Cartier, Cayley, Christie, Clarke, Cook, Crysler, Jean B. Daoust, DeWitt, Attorney General Drummond, Dufresne, Felton, Ferrie, Frazer, Gamble, Gould, Hartman, Labelle, Laporte, Larwill, Loranger, Lyon, Macbeth, John S. Macdonald, Mackenzie, Sir A.N. MacNab, McCann, Masson, Mattice, Meagher, Mongenais, Munro, Murney, Patrick, Powell, Rhodes, Solicitor General Ross, James Ross, Solicitor General Smith, Somerville, Spence, Stevenson, Wright, and Yeilding.--(46.)

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NAYS.

Messieurs Brodeur, Bureau, Chapais, Chauveau, Charles Daoust, Darche, Desaulniers, Dionne, Antoine A. Dorion, Dostaler, Octave C. Fortier, Guévremont, Huot, Jobin, Laberge, Marchildon, Papin, Poulin, Pouliot, Prévost, Thibaudeau, Turcotte, and Valois.--(23.)

So it was resolved in the Affirmative.

The Honorable Mr. Attorney General Drummond moved, seconded by the Honorable Sir Allan N. MacNab, and the Question being proposed, That the said Jean Gagné, for the said offence, be committed to the Common Gaol of the District of Quebec, for a period of twenty-four hours, and that Mr. Speaker do issue his Warrant accordingly;

Mr. Pouliot moved in amendment to the Question, seconded by Mr. Turcotte, That all the words after "Gagné" to the end of the Question be left out, in order to add the words "be condemned to receive a reprimand only;"

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bourassa, Brodeur, Bureau, Chapais, Chauveau, Charles Daoust, Jean B. Daoust, Darche, Desaulniers, Dionne, Antoine A. Dorion, Dostaler, Guévremont, Huot, Jobin, Laberge, Marchildon, Masson, Papin, Poulin, Pouliot, Prévost, Turcotte, and Valois.--(24.)

NAYS.

Messieurs Aikins, Bell, Bellingham, Brown, Cartier, Cayley, Christie, Clarke, Cook, Crysler, DeWitt, Attorney General Drummond, Dufresne, Egan, Felton, Fergusson, Ferrie, Foley, Frazer, Gamble, Gould, Hartman, Labelle, Laporte, Larwill, Loranger, Lyon, Macbeth, John S. Macdonald, Mackenzie, Sir A.N. MacNab, McCann, Mattice, Meagher, Mongenais, Munro, Murney, Patrick,

Rhodes, Solicitor General Ross, James Ross, Solicitor General Smith, Somerville, Spence, Stevenson, Wright, and Yeilding.--(47.)

So it passed in the Negative.

Then the main Question being put, That the said Jean Gagné, for the said offence, be committed to the Common Gaol of the District of Quebec, for a period of twenty-four hours, and that Mr. Speaker do issue his Warrant accordingly; the House divided: and the names being called for, they were taken down, as follow:--

(687-688)

YEAS.

Messieurs Aikins, Bell, Bellingham, Brown, Cartier, Cayley, Christie, Clarke, Cook, Crysler, DeWitt, Antoine A. Dorion, Attorney General Drummond, Dufresne, Egan, Felton, Fergusson, Ferrie, Foley, Frazer, Gamble, Gould, Hartman, Labelle, Laberge, Laporte, Larwill, Loranger, Lyon, Macbeth, John S. Macdonald, Mackenzie, Sir A.N. MacNab, McCann, Masson, Mattice, Meagher, Mongenais, Munro, Murney, Patrick, Rhodes, Solicitor General Ross, James Ross, Solicitor General Smith, Somerville, Spence, Stevenson, Wright, and Yeilding.--(50.)

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NAYS.

Messieurs Bourassa, Brodeur, Bureau, Chapais, Chauveau, Charles Daoust, Jean B. Daoust, Darche, Desaulniers, Dionne, Dostaler, Guévremont, Huot, Jobin, Marchildon, Papin, Poulin, Pouliot, Prévost, Turcotte, and Valois.--(21.)

So it was resolved in the Affirmative.

Then, on motion of Mr. Masson, seconded by Mr. Brodeur,  
The House adjourned.

FOOTNOTES: 14 MARCH 1855.

1. MORNING CHRONICLE, 15 March 1855.
2. IBID.
3. GLOBE, 23 March 1855.
4. MORNING CHRONICLE, 16 March 1855.
5. GLOBE, 23 March 1855.
6. MORNING CHRONICLE, 15 March 1855.
7. IBID.
8. GLOBE, 23 March 1855.
9. TORONTO DAILY LEADER, 24 March 1855.
10. GLOBE, 23 March 1855.
11. TORONTO DAILY LEADER, 24 March 1855.
12. GLOBE, 23 March 1855.
13. TORONTO DAILY LEADER, 24 March 1855.
14. IBID.
15. IBID.
16. IBID.
17. GLOBE, 23 March 1855.
18. TORONTO DAILY LEADER, 24 March 1855.
19. GLOBE, 23 March 1855.
20. IBID.
21. TORONTO DAILY LEADER, 24 March 1855.
22. GLOBE, 23 March 1855.
23. TORONTO DAILY LEADER, 24 March 1855.
24. GLOBE, 23 March 1855. The account of Mr. Merritt's speech reported in TORONTO DAILY LEADER, 24 March 1855, is reprinted in its entirety below, as it differs from the version in GLOBE, 23 March 1855.

"Hon. Mr. Merritt--The difficulty was that two systems could not be carried out well together, believed that the Free Banking system was the more secure, although he thought the Depositors may not be so well secured as the public, but was not so profitable as the charter system and recommended that the latter system should receive more encouragement."

It is questionable whether Mr. Merritt "... recommended that the latter system [chartered banks] should receive more encouragement." On page 1231 of the JOURNALS Mr. Merritt presents a Bill to amend the Act establishing freedom of Banking. The reader is advised to consult also the debate of the Montreal City Bank, Vol. XII, Part III, pages 1351-1357 for Mr. Merritt's views of the free banking system versus that of chartered banks.
25. GLOBE, 23 March 1855.
26. IBID.
27. TORONTO DAILY LEADER, 24 March 1855.
28. IBID.
29. MORNING CHRONICLE, 16 March 1855.
30. TORONTO DAILY LEADER, 24 March 1855.
31. IBID.
32. MORNING CHRONICLE, 16 March 1855.
33. TORONTO DAILY LEADER, 24 March 1855.
34. IBID.
35. IBID.
36. IBID.

37. MORNING CHRONICLE, 16 March 1855. This newspaper reports "the member for Leinster" should proceed with the prisoner's prosecution. After the 23rd June 1854, there is no longer a member representing the constituency of Leinster, therefore it is not clear to whom Mr. Bellingham is referring.
38. MORNING CHRONICLE, 16 March 1855. After the 23rd June 1854, there is no longer a member representing the constituency of Leinster, therefore it is not clear to whom Mr. Drummond is referring.
39. TORONTO DAILY LEADER, 24 March 1855.
40. MORNING CHRONICLE, 16 March 1855.
41. TORONTO DAILY LEADER, 24 March 1855.
42. HAMILTON SPECTATOR, 24 March 1855.
43. TORONTO DAILY LEADER, 24 March 1855.
44. MORNING CHRONICLE, 16 March 1855.
45. TORONTO DAILY LEADER, 24 March 1855.
46. MORNING CHRONICLE, 16 March 1855.
47. TORONTO DAILY LEADER, 24 March 1855.
48. HAMILTON SPECTATOR, 24 March 1855.
49. TORONTO DAILY LEADER, 24 March 1855.
50. IBID.
51. MORNING CHRONICLE, 16 March 1855.
52. TORONTO DAILY LEADER, 24 March 1855.
53. HAMILTON SPECTATOR, 24 March 1855.
54. MORNING CHRONICLE, 16 March 1855.
55. IBID.
56. According to the TORONTO DAILY LEADER, 24 March 1855, the debate on the Election of Argenteuil was interrupted for "a few minutes" for this message from the Legislative Council and the first reading of the Bill concerning the Consumers' Gas Company of Toronto.
57. MORNING CHRONICLE, 15 March 1855.
58. TORONTO DAILY LEADER, 24 March 1855.
59. TORONTO DAILY LEADER, 24 March 1855. It is not clear which statement Mr. Bellingham repeated. This speech probably refers back to a comment made in footnotes 50 and 52, also from the TORONTO DAILY LEADER, 24 March 1855.
60. TORONTO DAILY LEADER, 24 March 1855.
61. MORNING CHRONICLE, 16 March 1855.
62. TORONTO DAILY LEADER, 24 March 1855.
63. MORNING CHRONICLE, 16 March 1855.
64. TORONTO DAILY LEADER, 24 March 1855.
65. TORONTO DAILY LEADER, 24 March 1855. This newspaper errs in reporting that "Mr. Banet would be in attendance as a witness" for Jean Gagné. The name of the witness is Louis Panet.
66. TORONTO DAILY LEADER, 24 March 1855.
67. IBID.
68. IBID.
69. IBID.
70. IBID.
71. IBID.
72. IBID.
73. IBID.
74. IBID.
75. IBID.



76. IBID.
77. IBID.
78. IBID.
79. MORNING CHRONICLE, 16 March 1855.
80. TORONTO DAILY LEADER, 24 March 1855.
81. MORNING CHRONICLE, 16 March 1855.
82. TORONTO DAILY LEADER, 24 March 1855.
83. IBID.
84. IBID.
85. IBID.
86. IBID.
87. IBID.
88. IBID.
89. IBID.
90. IBID.
91. MORNING CHRONICLE, 16 March 1855.
92. GLOBE, 23 March 1855.
93. MORNING CHRONICLE, 16 March 1855.
94. TORONTO DAILY LEADER, 24 March 1855.
95. IBID.
96. TORONTO DAILY LEADER, 24 March 1855. It is not clear at what point in this debate Mr. O'Farrell spoke as MORNING CHRONICLE, 16 March 1855, places this speech earlier in the debate before Mr. Drummond's motion that Jean George Lebel had been guilty of a breach of privilege (footnote 86). Since MORNING CHRONICLE, 16 March 1855, omits many speakers contained in TORONTO DAILY LEADER, 24 March 1855, the latter newspaper has been used to establish the order of speakers.
97. MORNING CHRONICLE, 16 March 1855.
98. TORONTO DAILY LEADER, 24 March 1855.
99. IBID.
100. IBID.
101. TORONTO DAILY LEADER, 24 March 1855, reports that Jean Gagné was placed at the Bar of the House in reference to the Saguenay election, then by order of the House withdrew. The House next proceeded with this item of Mr. Powell's neglect of duty by absence from the Montmagny Election Committee and then Jean Gagné was once again placed at the Bar.
102. GLOBE, 23 March 1855.
103. TORONTO DAILY LEADER, 24 March 1855.
104. MORNING CHRONICLE, 16 March 1855.
105. TORONTO DAILY LEADER, 24 March 1855.
106. MORNING CHRONICLE, 16 March 1855.
107. TORONTO DAILY LEADER, 24 March 1855.
108. IBID.
109. MORNING CHRONICLE, 16 March 1855.
110. TORONTO DAILY LEADER, 24 March 1855.
111. MORNING CHRONICLE, 16 March 1855.
112. TORONTO DAILY LEADER, 24 March 1855.
113. IBID.
114. IBID.
115. MORNING CHRONICLE, 16 March 1855.
116. MONTREAL GAZETTE, 17 March 1855.
117. TORONTO DAILY LEADER, 24 March 1855.

118. MONTREAL GAZETTE, 17 March 1855.
119. TORONTO DAILY LEADER, 24 March 1855.
120. MORNING CHRONICLE, 16 March 1855.
121. TORONTO DAILY LEADER, 24 March 1855.
122. MORNING CHRONICLE, 16 March 1855.
123. MONTREAL GAZETTE, 17 March 1855.
124. MORNING CHRONICLE, 16 March 1855.
125. TORONTO DAILY LEADER, 24 March 1855.
126. MORNING CHRONICLE, 16 March 1855.
127. IBID.
128. TORONTO DAILY LEADER, 24 March 1855.
129. MORNING CHRONICLE, 16 March 1855.
130. TORONTO DAILY LEADER, 24 March 1855.

THURSDAY, 15 MARCH 1855.

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THE Serjeant-at-Arms attending this House reported, That in obedience to Mr. Speaker's Warrant, he had lodged the bodies of Jean George Lebel and Jean Gagné in the Common Gaol of the District of Quebec.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Huot,--The Petition of H. Hudon, Notary, and others, of Malbaie, County of Saguenay.

By Mr. Sidney Smith,--The Petition of the Municipality of the Township of Marmora, in the County of Hastings; and the Petition of Victoria College of Cobourg.

By Mr. Southwick,--The Petition of Robert Michael and others, of the north part of the Township of Yarmouth and other places; and the Petition of Simon Newcomb and others, of the Village of Vienna and vicinity.

By Mr. Casault,--The Petition of the Reverend Z. Sirois and others, of the Township of Montminy and the Parish of St. Pierre Rivière de Sud.

By Mr. Daly,--The Petition of William Levy and others, of the Townships of Fullarton and Hibbert; and the Petition of William Bull and others, of the Township of Logan.

By Mr. Mattice,--The Petition of Alexander B. McMillan and others, of the County of Stormont.

By Mr. Niles,--The Petition of Robert Brock and others, of the Township of London.

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By the Honorable Mr. Spence,--The Petition of George Stanton and others; the Petition of the Municipal Council of the County of Wentworth; and the Petition of the Grand Division of the Order of the Sons of Temperance of Canada West.

By Mr. Mackenzie,--The Petition of the Municipality of the Township of Canboro'.

By Mr. Loranger,--The Petition of the Very Reverend Antoine Manseau, V.G. and others, of the County of Joliette; the Petition of P. Fortin and others, of the School Municipality of the Parish of Laprairie, in the District of Montreal; and the Petition of the Very Reverend Antoine Manseau, V.G., Curé, and others, of the Village of St. Charles de L'Industrie, County of Joliette.

By the Honorable Mr. Cayley,--The Petition of the Municipal Council of the United Counties of Huron and Bruce.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Municipal Council of the County of Kent; complaining of certain grievances with respect to the issuing of Patents for Crown and Clergy Lands in the said County; and praying that Commissioners may be appointed to examine into the same.

Of the Municipal Council of the County of Kent; praying for a Charter to construct a Railroad from the Niagara to the Detroit Rivers.

Of the Municipal Council of the County of Kent; praying that authority be granted to the several Municipalities in Upper Canada to prevent tippling in Houses of Public Entertainment on the Lord's Day, (Sunday.)

Of the Municipal Council of the County of Kent; parying for an appropriation for the improvement of the River Thames.

Of the Municipal Council of the County of Kent; praying for certain amendments to the Assessment Laws of Upper Canada.

Of the Municipal Council of the County of Kent; praying that the appointment of Coroner may be vested in the County Councils.

Of the Municipal Council of the County of Kent; praying for the repeal of the Sectarian Clauses in the Upper Canada School Act, and that a system of Free Schools may be established.

Of the Municipal Council of the County of Kent; complaining of the state in which the Light House and Piers at the mouth of the River Rondeau, are kept; and praying that immediate action be taken in the matter.

Of the Corporation of the College of L'Assomption; praying for an aid.

Of E. Duchesnay, Esquire, and others, School Commissioners, and others, of the Parish of Ste. Marie, County of Beauce; praying aid for a College in the said Parish.

Of the Reverend Féréol Dorval and others, of L'Assomption; praying for an aid to enlarge the Convent of L'Assomption.

Of the Soeurs de la Congrégation, Directresses of the Convent of St. Hyacinthe; praying for aid.

Of James Dall and others, of Temiscounta (sic), Censitaires; praying for certain amendments to the Seigniorial Tenure Act.

Of W.P. Patrick, Chief Office Clerk, Legislative Assembly; praying for an increase of Salary.

Of the Hamilton Mercantile Library Association; praying for aid.

Of the Municipal Council of the County of Bellechasse; praying that the Bill to reform the Municipal system of Lower Canada, and to establish County, Parish and Township Municipalities therein, may not become Law.

Of the Reverend H.L. Girouard and others, of the County of Bagot; and of Amable Dion and others, of the County of Bagot; praying that Ste. Rosalie be named as the County Town of the said County.

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Of the Reverend E. Patterson and others, of the Town of Stratford, in the County of Perth; praying for the passing of a Prohibitory Liquor Law.

Of the Reverend J. Harper, Curé, and others, of the Parish of St. Grégoire; praying aid for an Academy in the said Parish.

Of the Reverend C. Marquis, Curé, and others, of the Parish of St. Célestin; praying for an aid to enable them to finish the School House in the said Parish.

Ordered, That the Petition of W.P. Patrick, Chief Office Clerk, Legislative Assembly, be referred to the Standing Committee on Contingencies.

Ordered, That the Petition of the Municipal Council of the County of Norfolk, relative to the Southern Railway, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Mr. Holton, from the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, informed the House, That Edmund Murney, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, this day.

Ordered, That Edmund Murney, Esquire, do attend in his place in this House To-morrow.

Mr. Hartman, from the Standing Committee on Standing Orders, presented to the House the Twenty-second Report of the said Committee; which was read, as followeth:--



Your Committee have examined the Petition of the Niagara District Bank, and find the Notice sufficient.

The Petition of D.T. Hughes, Chairman, in behalf of the Board of Trustees of the St. Thomas County Grammar School, of the County of Elgin, prays for an Act to perfect their title to the land on which the School-house is built, and to empower them to sell or dispose of the same, and procure another site for the Grammar School. No Notice of the application has been given, but after a careful consideration, Your Committee are of opinion, that none is required.

The Petition of the Port Bruce Harbour Company prays for an amendment of the Act relating to Harbour Companies in Upper Canada: In so far as it affects the said Company, this limitation of the amendment makes it of the nature of an application for a Private Bill, requiring a Notice under the 62nd Rule, which Notice Your Committee find has not been given.

Ordered, That the Petition of Patrick Sloan and others, of the County of Napierville, be printed for the use of the Members of this House.

Ordered, That the Returns of the Sheriffs of the several Districts and Counties in this Province, shewing the number of commitments and convictions for the last ten years in their respective jurisdictions, be printed for the use of the Members of this House.

Ordered, That Mr. Dionne have leave to bring in a Bill to remove the seat of the Municipality Number One, of the County of Rimouski, to St. George de Kakouna in the said Municipality.<sup>1</sup>

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

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On motion of the Honorable Mr. Chauveau, seconded by Mr. Thibaudeau,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause the proper officer to lay before this House, a Statement of the Receipts and Expenditure of the Quebec Turnpike Road Trustees for the last two years of their administration.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Jean Charles Chapais and David Christie, Esquires, be added to the Standing Committee on Standing Orders.

Ordered, That Mr. Poulin have leave to bring in a Bill to incorporate the Abbottsford Academy.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Poulin have leave to bring in a Bill to provide for the establishment of Superior Elementary Schools in certain Parishes and Townships in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Turcotte be added to the Select Committee to which was referred the Bill to amend the Judicature Acts of Lower Canada.

Ordered, That the Petition of P.R. Lafrenaye and others, be referred to the said Committee.

Ordered, That Mr. Wilson have leave to bring in a Bill to amend the Act for the formation of Incorporated Joint Stock Companies for manufacturing and other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Antoine Aimé Dorion have leave to bring in a Bill to authorize the keeping of separate Registers of Baptisms, Marriages, and Deaths in the different Catholic Churches in the Parish of Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That Mr. Antoine Aimé Dorion have leave to bring in a Bill to remove doubts as to the right of the Judges of the Superior Court to preside at Enquêtes in appealable cases pending in Circuit Courts in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That Mr. Antoine Aimé Dorion have leave to bring in a Bill to incorporate the Benevolent Society of Notre Dame de Bonsecours, of Montreal.

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He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That Mr. Jean Baptiste Eric Dorion have leave to bring in a Bill to extend the limits and to change the chief place of the Circuit of Arthabaska.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Hartman have leave to bring in a Bill to enable the Municipal Councils of the United Counties of York and Peel, and of the County of Ontario, to redeem the rights of purchasers of certain lands within the said Counties sold at Sheriff's sales for taxes on the 30th day of December 1852.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That the Bill for the relief of Bartholemew Calvin, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Ordered, That Mr. Felton have leave to bring in a Bill to incorporate the Sherbrooke Literary Institute.<sup>2</sup>

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time Tomorrow.

The Honorable Sir Allan N. MacNab, one of Her Majesty's Executive Council, presented to Mr. Speaker a Message from His Excellency the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth:--

Edmund Head.

The Governor General transmits to the Legislative Assembly, a Copy of a Despatch from Her Majesty's Minister at Washington, accompanied by a Copy of an Act passed by the Congress of the United States, relative to the Reciprocity Treaty.

Government House,

Quebec, 15th March, 1855.

(Copy)

Washington, 7th March, 1855.

Sir,--I have the honor to inform Your Excellency, that a Bill, intituled, "A Bill to amend an Act to carry into effect a Treaty between the United States and Great Britain," signed on the 5th of June 1854, of which a Draft was enclosed in my Despatch of the 9th ultimo, and which I had the honor of informing you had been passed by the Senate, has now been passed without amendment, by the House of Representatives, and was, on the 2nd instant, approved by the President of the United States. I enclose a Copy of this Act as passed by Congress and approved by the President.

I have, &c.,

(Signed,)

John F. Crampton.

His Excellency

Sir Edmund Head, Bart.,

&c., &c., &c.

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33d Congress } S. 560.  
2d Session.

IN THE SENATE OF THE UNITED STATES.

January, 24, 1855.

Read, and passed to a second reading.

Mr. Seward, from the Committee on Commerce, reported the following Bill:--

A BILL

To amend "An Act to carry into effect a Treaty between the United States and Great Britain," signed on the fifth June, eighteen hundred and fifty-four, and approved August fifth, eighteen hundred and fifty-four.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the date when the Reciprocity Treaty of the fifth June, eighteen hundred and fifty-four, entered into between Great Britain and the United States, shall go into effect, the Secretary of the Treasury shall be, and he is hereby, authorized and required to refund out of any money in the Treasury, to the several persons entitled thereto, such sums of money as shall have been collected as duties on "fish of all kinds, the products of fish, and of all other creatures living in the water," imported into the United States from and after the eleventh day of September, eighteen hundred and fifty-four, the date of the promulgation by the President of the United States, of the Reciprocity Treaty aforesaid, on proof, satisfactory to the said Secretary, that the articles aforesaid were the products of some one of the British Provinces of New Brunswick, Canada, Nova Scotia, Newfoundland, or Prince Edward's Island, and imported therefrom into the United States and duties duly paid thereon, which have not been refunded on export; and he is further authorized and required, from and after the day the



Treaty aforesaid shall go into effect, to cancel, on like satisfactory proof, any warehouse bonds to secure the duties that may have been given for any of said articles imported as aforesaid.

Sec. 2. And be it further enacted, That from and after the date when the Reciprocity Treaty of the fifth of June, eighteen hundred and fifty-four, entered into between Great Britain and the United States, shall go into effect in the manner therein prescribed, the Secretary of the Treasury shall be, and he is hereby, authorized to refund out of any money in the Treasury not otherwise appropriated, to the persons entitled thereto, such sums of money as shall have been collected as duties on any of the articles enumerated in the Schedule annexed to the third article of the Reciprocity Treaty aforesaid, imported into the United States from the British Provinces of Canada, New Brunswick, and Nova Scotia, respectively, since the date of the Acts of their respective Governments admitting like articles into said Provinces from the United States, free of duty, on proof satisfactory to the said Secretary, that the articles so imported were the products of Canada, New Brunswick, or Nova Scotia, as the case may be, and imported therefrom into the United States, and that the duties were duly paid thereon: and he is further authorized and required to cancel, from and after the date the Treaty aforesaid shall go into effect, on like satisfactory proof, any warehouse bonds to secure duties which may have been given for any of the said articles imported as aforesaid. And the Secretary of the Treasury is also hereby invested with the same authority and power to refund the duties or cancel the warehouse bonds on any of the articles enumerated in said Treaty, the produce of Prince Edward's Island or Newfoundland, respectively, on the said Treaty going into operation, should it be proved, to the satisfaction of the said Secretary, that Prince Edward's Island, or Newfoundland, have admitted all of the articles enumerated in said Treaty from the United States free of duty, prior to said Treaty going into operation.

MR. BROWN said he did not think the precise date from which the repayment of duties should be reckoned, was clearly stated in the Act. He trusted the attention of the Government would be carefully directed to that point, as it was very important for the interests of Canada that this should be looked to. (Hear, hear.)<sup>3</sup>

MR. AT. GEN. DRUMMOND and MR. INSP. GEN. CAYLEY stated it to be their impression from the reading of the Act, that the repayment of duties would be reckoned from the date of the order in Council by the Canadian Government in the end of September or beginning of October last.<sup>4</sup>

On motion of MR. AT. GEN. DRUMMOND,<sup>5</sup>

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*Ordered*, That the said Message, and accompanying Documents, be printed for the use of the Members of this House.

*Ordered*, That David Christie, John W. Gamble, and David B. Stevenson, Esquires, be added to the Select Committee to which was referred the Bill to amend the Municipal Corporation Acts.

*Ordered*, That all Petitions presented to this House, praying for amendments to the Municipal Corporation Acts, be referred to the said Committee.

On motion of Mr. Loranger, seconded by Mr. Masson,

*Ordered*, That the Sessional Order of the 20th of October last, (that all unopposed Private and Local Bills be taken into consideration on Thursdays, previous to the Orders of the day) be suspended until after the discussion of the first Order on the List.



DR. MASSON propose que la Chambre reçoive les pétitions de C. Benedict et autres, et de Lemuel Cushing, contre l'élection de Sidney Bellingham pour le comté d'Argenteuil. Il dit qu'il ne veut pas entrer dans les mérites de la pétition, mais qu'il ne voit aucune difficulté à recevoir ces pétitions. Il n'y a aucun doute que les privilèges des électeurs du comté d'Argenteuil ont été violés durant la dernière élection, et que M. Bellingham ne le représente pas légalement. Il peut prouver cet avancé par des statistiques. La pétition de Lemuel Cushing dit qu'il y a au moins 720 votes illégaux, et que dans le Gore, où M. Bellingham a reçu plus de 450 voix, il n'y a que 40 voteurs.<sup>6</sup>

MR. BELLINGHAM interrompt M. Masson en disant qu'il n'est pas dans l'ordre en discutant la pétition.<sup>7</sup>

MR. SICOTTE the SPEAKER dit que le membre devrait se contenter d'exposer les faits, mais de ne pas entrer dans le mérite de la pétition qui a été lue par le greffier.<sup>8</sup>

DR. MASSON dit que les membres n'ayant pas tous entendu la lecture de la pétition, il en répétera les principaux faits: La pétition de M. Cushing dit formellement qu'il a eu 385 votes légaux de plus que M. Bellingham; qu'il a été pris 19 votes à Harrington, et que sur ce nombre il y en avait 12 de personnes qui n'avaient aucun droit de vote; à Grenville, sur 75 votes, il y en a 25 d'illégaux; à Chatham, il y en a 42 d'illégaux; à Wentwork (*sic*), 105; dans le Gore, 370 mauvais votes contre 391; à Jérusalem, 87 sur 129; en tout 720 votes illégaux en faveur de M. Bellingham. En conséquence de ces faits, il espère que la Chambre recevra les pétitions, afin de rendre justice aux électeurs d'Argenteuil, qui sont représentés par un homme qui n'a pas la confiance de la majorité de ses constituants.<sup>9</sup>

MR. FELTON s'oppose à la réception des pétitions parce qu'il y a un statut qui dit que les pétitions contre l'élection d'un membre devront être présentées dans les quatorze jours après le rapport du writ, pourvu que la Chambre soit en session: mais que si elle est en vacance, comme cela était le cas lors de l'élection d'Argenteuil, alors treize jours pourront s'écouler pendant la vacance et le quatorzième sera le premier jour où la Chambre procèdera aux affaires. La pétition ne peut être reçue, parce qu'elle a été présentée une journée trop tard. Il cite des procédés anglais en appui de ce qu'il dit.<sup>10</sup>

MR. LORANGER dit que quelque puissent être les procédés anglais la législature canadienne doit aussi avoir les siens. La Chambre ne siégeant pas lorsque l'élection a eu lieu, la pétition n'a pas pu être présentée dans les quatorze jours après le retour du writ, et par conséquent elle ne doit pas être refusée. Il pense que M. Cushing pouvait présenter sa pétition dans les quatorze jours après la réunion de la Chambre, parce qu'il faut interpréter la loi d'une manière large, surtout lorsqu'il s'agit d'une matière aussi grave que celle de laisser siéger dans cette chambre une personne qui n'en a pas le droit et qui usurpe la place d'une autre. Puisque chacun a le droit de contester une élection, il faut donner aux électeurs lésés le moyen de pétitionner.<sup>11</sup>

MR. SOL. GEN. H. SMITH se prononce contre la réception de la motion parce que la loi dit expressément qu'elle ne peut être reçue que dans les quatorze jours après le retour du writ, et il maintient que la Chambre était réellement en session durant la vacance, mais qu'elle ne procédait pas aux affaires; dans ce cas la pétition devait être présentée le premier jour où la Chambre a procédé aux affaires de routine et ce jour était le 23 courant et non le lendemain.<sup>12</sup>

MR. CHABOT dit qu'il a examiné beaucoup de précédents anglais, et qu'il croit que la Chambre ne peut pas recevoir la pétition. Il admet qu'il est très dur de refuser la pétition, mais la loi est claire et la Chambre ne peut l'enfreindre. Il soutient que les jours de vacance, qu'elle soit d'un jour ou de plusieurs mois, doivent être comptés comme faisant partie de la session. La loi devrait être amendée, mais tant qu'elle ne le sera pas, il faut s'y soumettre.<sup>13</sup>

MR. A. DORION (de Montréal) dit que la question est d'une grande importance et qu'elle mérite toute l'attention de la Chambre. Il admet que la Chambre n'a pas le droit de changer une loi qui a été passée par les trois branches de la législature, mais elle a parfaitement le droit de l'interpréter conformément à l'intention évidente du législateur. La quatrième clause du statut permet de recevoir la pétition, car elle dit que si une élection a lieu durant les quatorze derniers jours d'une session, les pétitions en contestation pourront être présentées durant les quatorze premiers jours de la session suivante, et le législateur a évidemment eu l'intention de donner le même délai si l'élection a lieu durant une vacance, car lorsque la loi a été faite on ne prévoyait pas de vacances aussi longues que celle durant laquelle l'élection a eu lieu. Il pense qu'on doit interpréter le mot session, le temps où la Chambre siège régulièrement, et procède aux affaires et non pas le temps où la Chambre ne siège réellement pas. Ensuite, si la pétition n'a pas été présentée le premier jour, c'est parce que le membre pour Soulange[s] n'a pu arriver assez tôt, et aussi parce que la chambre n'a siégé que quelques minutes le premier jour; mais elle a été présentée le second jour, et il pense que pour une aussi légère déviation des règles de la chambre, il ne faut pas priver les électeurs d'un compte d'obtenir justice. On doit interpréter la loi de manière à donner effet à l'intention de la législature. Il pense donc qu'il est impossible de refuser cette pétition, d'autant plus qu'il n'y a aucun inconvénient à la recevoir, tandis qu'il y en aurait beaucoup à laisser siéger un membre qui n'en a peut-être pas le droit.<sup>14</sup>

MESSRS. J.S. MACDONALD (de Glengary), WILSON, LORANGER, ... TURCOTTE et CAPT. RHODES, parlent en faveur de la motion<sup>15</sup>.

MR. MACKENZIE said they had heard half a dozen lawyers declaring that the House would break the law if they received the petition and another half dozen equally learned declaring they would break the law if they did not receive it. In these circumstances all he could do was to bring what amount of common sense he had been gifted with to judge between them. The fact was that on account of the railway cars sticking in a snow drift between Montreal and Quebec, he and the hon. member for Soulanges (Mr. Masson) had been unable to be present at the five minutes sitting of the House on Friday the 23rd, and of course his hon. friend could not present the petitions till Monday. But was it common sense that on account of that accidental detention of the railway cars, justice should not be dealt out to one of the largest constituencies in the country, by allowing the petitioners an opportunity of proving the alleged bribery and corruption, and that of Mr. Bellingham's 1,100 votes, no fewer than 700 were bad ones? They should not withhold justice from these men on account of a lawyer's quibble.<sup>16</sup>

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*The House, according to Order, resumed the further consideration of the receiving of the Petition of Charles Benedict and others, Electors of the County of Argenteuil, and the Petition of Lemuel Cushing, Esquire, Merchant, of the Township of Chatham, County of Argenteuil.*

And the Question being put, That the said Petitions be now received; the House divided: and the names being called for, they were taken down, as follow:--

## YEAS.

Messieurs Aikins, Biggar, Bourassa, Brodeur, Brown, Bureau, Chauveau, Christie, Cooke, Cook, Charles Daoust, Jean B. Daoust, Darche, Desaulniers, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Dufresne, Foley, Frazer, Galt, Gould, Guévrement, Hartman, Holton, Huot, Jackson, Jobin, Labelle, Laberge, Larwill, Loranger, Lumsden, Lyon, John S. Macdonald, Roderick McDonald, Mackenzie, McCann, Marchildon, Masson, Matheson, Mattice, Meagher, Mongenais, Munro, Murney, Niles, Papin, Patrick, Poulin, Prévost, Rolph, Southwick, Thibaudeau, Turcotte, Valois, Whitney, Wilson, Wright, and Young.--(60.)

## NAYS.

Messieurs Alleyn, Burton, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Clarke, Crawford, Crysler, Daly, Attorney General Drummond, Egan, Felton, Fergusson, Octave C. Fortier, Gamble, Hincks, Laporte, Lemieux, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, Joseph C. Morrison, Angus Morrison, Polette, Pouliot, Powell, Rankin, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, and Yeilding.--(41.)

So it was resolved in the Affirmative.

The said Petitions were then received, and read; as followeth:--

Of Charles Benedict and others, Electors of the County of Argenteuil, set-

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ting forth, verbatim, the same circumstances and containing the same prayer as the Petition of John Stephens and others, Electors of the County of Argenteuil, which was received and read on the second instant, pages 618 and 619.

Of Lemuel Cushing, Esquire, Merchant, of the Township of Chatham, County of Argenteuil; setting forth: That on the twenty-second day of the month of December last past, at the hustings, then held in the Village of Saint Andrew's, in the Parish of Saint Andrew, in the County of Argenteuil, to wit: at the time and place of nomination for the purpose of electing a person to represent the Electors of the said County of Argenteuil in the Legislative Assembly of the Province of Canada in the said Parliament, in obedience to Her Majesty's Writ to the Returning Officer, to wit: to Daniel de Hertel, Esquire, Registrar, directed and bearing date the first day of the said month of December last, the Petitioner was then and there duly proposed by Alexis Edouard Montmarquet, Esquire, of Carillon, in the said Parish of Saint Andrew: That the Petitioner was then and there duly nominated as a Candidate for the said Election according to the Writ aforesaid: That the Petitioner being thereunto duly qualified, accepted then and there in person, the said nomination, and became and has ever since been a Candidate as aforesaid for the Election in question: That the Petitioner was further at the time of the issuing of the said Writ of Election, and has ever since been an Elector of the said County, and was duly qualified to vote at the Election made in virtue of the said Writ: That Sydney Bellingham, Esquire, of Saint Catherine's, in the neighbourhood of the City of Montreal, in the said Province, was also nominated a Candidate for the said Election: That the show of hands of the Electors of the said County then and there present, was, when duly called for by the said Returning Officer, then and there in favor of the Petitioner: That the said Returning Officer then and there, to wit: on and from the hustings aforesaid, publicly and duly declared such fact: That the



said Returning Officer did further then and there declare that the polling days for the said Election were the twenty-ninth and thirtieth of the said month of December then instant, according to the Proclamation in that behalf: That on the twenty-ninth and thirtieth days of the said month of December, a Poll was held in each of the several Parishes and Townships hereinafter named, to wit: in the Parishes of Saint Andrew, Saint Jerusalem, Saint Hermas and Saint Placide respectively, and in the Townships of Grenville, Augmentation of Grenville, Chatham, Harrington, Wentworth and Gore respectively, according to the Proclamation aforesaid: That on the fifth day of the month of January last past, the day fixed for the Proclamation at Saint Andrew's aforesaid, of the Election in question, the said Returning Officer did proclaim that the said Sydney Bellingham had obtained in and for the said Election, eleven hundred and thirteen votes, and the Petitioner seven hundred and seventy votes, and did then and there proclaim the said Sydney Bellingham duly elected: That the Petitioner humbly alleges, and in due time, place, and manner can and will prove and maintain in fact and in law that seven hundred and twenty-eight, or about that number, of the said eleven hundred and thirteen votes for the said Sydney Bellingham were unduly and fraudulently obtained by him the said Sydney Bellingham, and that the Petitioner had a majority of the legal votes of the Electors of the said County of Argenteuil at the said Election: That further, the Petition avers, that out of the number of three hundred and ninety-one voters who appear by the Poll-book for the Township of Gore aforesaid, to have voted for the said Sydney Bellingham, three hundred and seventy were not Electors either in the said Township or in the said County and were not qualified to vote at the said Election at all: That some of the said illegal votes were simulated by parties in disguise, who had previously voted at the said Poll: That out of the number of one hundred and eighty-seven votes polled for the said Sydney Bellingham at the Poll held in the Township of Wentworth aforesaid, as appears by the Poll-book for the said Township, one hundred and eighty-five had

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no right to vote, having no qualification as Electors of the said County: That out of the seventy-five votes which appear by the Poll-book to have been given for the said Sydney Bellingham in Grenville aforesaid, twelve votes were recorded and given by persons having no right to vote in the said Township nor in the said County: That out of two hundred and twenty-nine votes given and recorded for the said Sydney Bellingham in the Parish of Saint Jerusalem aforesaid, as appears by the Poll-book kept therein for the said Election, eighty-seven are illegal, the parties giving the same having no qualification nor right to vote thereat nor in the said County: That of the forty-five votes given and recorded for the said Sydney Bellingham in the Township of the Augmentation of Grenville aforesaid, as appears by the Poll-book for the said Township, nineteen are illegal, the persons giving the same having no title nor qualification therefor: That of the fifteen votes given and recorded for the said Sydney Bellingham in the Township of Harrington aforesaid, as appears by the Poll-book for the said Township, twelve are null and void in law, the persons giving the same having no qualification nor right to the same: That of the one hundred and seven votes given and recorded for the said Sydney Bellingham in the Township of Chatham aforesaid, as appears by the Poll-book taken in the said Township, forty-three votes are illegal, the same having been given by persons who had no title, qualification, nor right so to vote, either in the said Township or in the said County at or for the said Election: That all the said illegal votes were given by persons or parties who were not proprietors of real estate in the



said County, and who were not qualified to vote at the said Election: That, furthermore, in the different polling places above mentioned, persons who being qualified to vote at the said Election, voted several times at the same and at different polling-places in the said County: That the number of votes bad and void in law obtained by and recorded for the said Sydney Bellingham at the said Election, amount to upwards of seven hundred and twenty-eight; and that the Petitioner ought to have been duly returned as Member to represent the Electors of the said County in the Legislative Assembly of this Province, he having a majority of three hundred and eighty-five of the legal votes aforesaid, over those the legal votes obtained by the said Sydney Bellingham: That the Petitioner further alleges that the said Sydney Bellingham, and his friends and partizans, with his knowledge and participation, resorted to means of bribery and corruption, causing large quantities of intoxicating liquor to be distributed in the aforesaid Townships of Gore, Wentworth, Grenville, and Augmentation of Grenville, and at the different Townships and Parishes in the said County, at the time and places when and where the said Polls were held, for the purpose of inducing persons to vote for him the said Sydney Bellingham on the said Election; and that he the said Sydney Bellingham, and his friends and agents, did also pay and expend in the Townships and Parishes of the said County, large sums of money to secure the votes of the said Electors and of persons voting as aforesaid, and to prevent others from voting for the Petitioner, and that the said Sydney Bellingham thereby secured a large number of votes which would otherwise have been given and recorded for the Petitioner: That the Petitioner also alleges, that the said Sydney Bellingham and his friends and partizans did make use of threats and menaces and use violence at the different booths or polling-places in the said County, at and for the said Election, and more particularly at the polling-places in the Townships of Gore, Wentworth, Grenville, and Augmentation of Grenville respectively, and in the Parish of Saint Jerusalem, and by means of such violence and menaces drove away the representatives and agents of the Petitioner and prevented them from challenging the illegal votes tendered at the said Election, and prevented a great number of the qualified Electors of the said County from voting for the Petitioner at the said Election: That a great number of the votes entered in the said Poll-books are irregularly entered, and do not show the name, surname, residence of the voters, and situation of the property on which they qualified or pretended to

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qualify: That for all these reasons the Election of the said Sydney Bellingham ought to be declared null and void, and the Petitioner declared to have been elected to represent the said County in Parliament as aforesaid, and that the Return of the said Returning Officer should be amended accordingly: Wherefore the Petitioner complaining for all and each of the reasons aforesaid, of the undue Election and Return of the said Sydney Bellingham as Member of and for the said County of Argenteuil, to serve in Parliament as aforesaid, and also complaining for the said reasons jointly and severally that no Return has been made according to the requisition of the aforesaid Writ of Election, and also complaining of the special matters aforesaid contained in the Return in question; and praying that the Election and Return in question of the said Sydney Bellingham be, on the reasons and grounds aforesaid, and on each or either of them, declared by the House and according to Law, irregular, unjust, illegal, null and void, and that the House will be pleased duly to adjudge and declare the Petitioner to have been and to be duly elected under the aforesaid Writ to serve and represent the said County of Argenteuil as Member therefor in the

House, to wit: in the Honorable the Legislative Assembly of the Province of Canada, in Parliament assembled; and further that the House will be pleased to order and cause to be altered and amended to this effect, the Return in question; and also to order, and order to be done whatever may be required by law in this behalf; and also that the House will be pleased to declare, order, and do whatsoever law and justice may require in the premises; and further that the said Sydney Bellingham, and all or whoever may contest this Petition or defend the said pretended Election and Return of the said Sydney Bellingham, be ordered, adjudged, and condemned by the House, in due form of law, to pay the just costs of this Petition, and of supporting the same.

Mr. Speaker acquainted the House, That he had received a Notification from the Sheriff of the District of Quebec, that the case of Louis Lavoie has been continued by Mr. Justice Badgley until To-morrow at Ten o'clock, at which time he is ordered to be brought into Court.

The Order of the day for receiving the Report of the Committee of the whole House on the Bill to incorporate the Eastern Townships Bank, being read;

Ordered, That the said Order of the day be discharged.

On motion of MR. GALT,<sup>17</sup>

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Ordered, That the Bill be recommitted to a Committee of the whole House, to amend the same, by leaving out all the words after "Provided" in the 37th line of the 25th clause, and inserting the words "further that the several provisions of an Act passed in the sixteenth year of Her Majesty's Reign, intituled, "An Act to encourage the issue, by the chartered Banks of this Province, of Notes secured in the manner provided by the General Banking Law," shall be and are hereby declared to be applicable to this Act" instead thereof; and also, by leaving out the words "and the amount of Provincial or Municipal Loan Fund Debentures held by the Corporation" in the 48th line of the 27th Clause.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Crawford reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Crawford reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time on Wednesday next.

On motion of MR. CAMERON,<sup>18</sup>

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A Bill to vest in Edward Shortis, of Toronto, Esquire, the Road or Concession allowance between Lots numbers fifteen and sixteen, in the sixth Concession of the Township of Thorah, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Cameron do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the House again in Committee on the Bill to prevent the traffic in Alcoholic and Intoxicating Liquors, being read;

MR. FELTON having intimated his wish that this item should be taken up on an early day,<sup>19</sup>

MR. GALT said the measure had a very important bearing on the fiscal interests of the country, and he hoped that when it again came up the Government would be prepared to state what course they were prepared to take in reference to those contingencies which must necessarily arise in the event of its being adopted.<sup>20</sup>

On motion of MR. FELTON,<sup>21</sup>

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*Ordered, That the said Order of the day be postponed until Wednesday next, and be then the first Order of the day.*

*Then, on motion of the Honorable Mr. Attorney General Drummond, seconded by the Honorable Sir Allan N. MacNab,  
The House adjourned.*

APPENDIX: 15 MARCH 1855.

[QUESTION AND ANSWER RE: POSITION OF LANDS IN COUNTY OF KENT.]

MR. LARWILL enquired of the Ministry, what is the position of the lands in the county of Kent, leased by the late Col. Thos. Talbot,--whether the same can be purchased and on what terms and conditions: also whether it is the intention of the government to introduce any measure during the present session, to preserve the public domain from being monopolized by land speculators to the detriment of the would-be actual settlers and the industrial classes; and also why facilities are not given for the same (sic) of all public lands in the said county of Kent.<sup>22</sup>

MR. COM. CR. LANDS CAUCHON answered that the latter was under consideration of the Government, and they hoped to arrive at a decision in a few days.<sup>23</sup>

[WITHDRAWN MOTION RE: ADDRESS FOR PAYMENT TO MR. MACKENZIE OF SUMS DUE HIM.]

MR. YOUNG moved an Address to His Excellency, for the payment to W.L. Mackenzie of the interest on his Welland Canal claim and the balance of his expenses while in England, both claims having been audited and admitted by Committees appointed by the Legislative Assembly at the time the services were performed.<sup>24</sup>

MR. PRES. EX. COUN. MACNAB said that all the papers in the case had been referred to the Attorney General West for his report thereon. He did not desire to enter into the matter till that report was given in.<sup>25</sup>

MR. YOUNG.--I have no objection to withdraw the motion for a week until the Government have the enquiries they consider necessary.<sup>26</sup>

MR. PRES. EX. COUN. MACNAB.--I would rather have it withdrawn altogether, as I do not wish the matter to come up again till the Attorney Gen[eral] has made his report.<sup>27</sup>

MR. YOUNG.--When?<sup>28</sup>

MR. PRES. EX. COUN. MACNAB.--I have no doubt he will make it in a day or two--at all events as soon as he possibly can.<sup>29</sup>

The motion was then withdrawn.<sup>30</sup>



FOOTNOTES: 15 MARCH 1855.

1. Telegraph (TORONTO DAILY LEADER, 16 March 1855), Telegraph (GLOBE, 16 March 1855), MORNING CHRONICLE, 16 March 1855, and HAMILTON GAZETTE, 19 March 1855 differ from the JOURNALS and report that Mr. Dionne introduced a bill to fix the county seat of the county of "Temiscouata." Telegraph (LE PAYS, 17 March 1855) and Telegraph (PILOT, 16 March 1855) also differ and report he introduced a bill to fix the county seat of the county of "Kamouraska."
2. Telegraph (PILOT, 16 March 1855) and Telegraph (LE PAYS, 17 March 1855) differ from the JOURNALS and report that Mr. Felton introduced a bill to incorporate Sherbrooke.
3. GLOBE, 23 March 1855.
4. IBID.
5. IBID.
6. LE PAYS, 20 March 1855. According to GLOBE, 23 March 1855 and LE PAYS, 20 March 1855, the debate on this item lasted five hours.
7. LE PAYS, 20 March 1855.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. GLOBE, 23 March 1855.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. Telegraph (TORONTO DAILY LEADER, 16 March 1855).
23. IBID.
24. GLOBE, 23 March 1855.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.

FRIDAY, 16 MARCH 1855.

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MR. Speaker laid before the House,--Return from the Registrar of the County of Hastings, received in pursuance of the Order of this House of the 14th September last.

For the said Return, see Appendix (Z.)

And also, Statement of the Affairs of the Provincial Insurance Company of Toronto, from 30th June, 1854, to 17th February, 1855.

For the said Return, see Appendix (E.E.)

The following Petitions were severally brought up, and laid on the table:--

By Mr. Antoine Aimé Dorion,--The Petition of L.A. Dessaulles, Esquire, and others, of the Town and Parish of St. Hyacinthe; the Petition of George McGowan and others, of the Parish of St. Constant, in the County of Laprairie; the Petition of Michel Bibaud, of Montreal; and the Petition of the Institut Canadien of St. Hyacinthe.

By Mr. Church,--The Petition of Harmony Lodge, No. 1, of the Independent Order of Good Templars of Merrickville, in the County of Grenville.

By Mr. Sidney Smith,--The Petition of the Town Council of the Town of Cobourg.

By the Honorable Mr. Young,--The Petition of Messieurs Dyde and Major, Joint Inspector of Pot and Pearl Ashes in the City of Montreal.

By Mr. Somerville,--The Petition of Donald Munro and others, of the Township of Hinchinbrooke, in the County of Huntingdon; and the Petition of George Sandilands and others, of the Township of Hinchinbrooke, in the County of Huntingdon.

By Mr. Poulin,--The Petition of the Reverend J.H. Provençal, Curé, and others, of St. Césaire, County of Rouville; and the Petition of Soeur Marie St. Maurice Borgel, Superior, and others, Soeurs de la Présentation de Marie, et Ste. Marie de Monnoir.

By Mr. Holton,--The Petition of the Montreal Telegraph Company.

By the Honorable Mr. Chabot,--The Petition of the Reverend W. Pollard and

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others, the Minister and Trustees of the Wesleyan Methodist Congregation at Québec.

By Mr. Alleyn,--The Petition of Patrick Daly, of the City of Quebec, Trader; and the Petition of Margaret Doherty, of the City of Quebec, Baker.

By Mr. Dufresne,--The Petition of Jean Baptiste Etu and others, of the Parish of St. Calixte de Kilkenny, County of Montcalm; and the Petition of the Reverend C.A. Loranger and others, of the Parish of Ste. Julienne de Rawdon, County of Montcalm.

Pursuant to the Order of the day, the following Petitions were read:--

Of F.X. Marcotte and others, of the County of Portneuf; praying that certain Resolutions adopted by the House which impose a Tax on all Vessels drawing ten or more feet of water, and frequenting the Port of Montreal, may not become law.

Of the Reverend F. Morin, Curé, and others, of Cap Santé; praying aid for an Academy in the said place.

Of Richard Woodington and others, of the Township of Leeds, County of Megantic; praying aid for an Academy in the said Township.

Of John Meikle, Chairman, and the Reverend Thomas Henry, Secretary, on behalf of the Board of Directors of the Lachute Academy; praying aid for the said Academy.

Of Antoine Dufresne and others, of the Parish of Deschambault, County of Portneuf; praying aid for the Model School in the said Parish.

Of John Hogdson and others, of the Village and Parish of Lacolle, in the County of Huntingdon; praying aid for a Model School in the said Village.

Of Florence DeGuise, Notary, and Philippe Gauvreau, Merchant, of the Parish of Ste. Anne de la Pocatière, in the County of Kamouraska; praying to be indemnified for expenses incurred in obeying the Order of the House of the fourth December last.

Of William Wotchon and others, of the Township of Moran; praying that that part of the Township inhabited by the Petitioners may be annexed to the County of Argenteuil.

Of James Hammon and others, of Mille-Isles; praying that that part of Mille-Isles called Côte Ste. Angélique and Côte Ste. Marguerite, may be annexed to the County of Argenteuil.

Ordered, That the Petition of the Municipality of the Village of Preston, in the County of Waterloo, and the Petition of James V. White and others, be referred to the Standing Committee on Miscellaneous Private Bills.

On motion of Mr. Fergusson, seconded by Mr. Somerville,

Ordered, That the Select Committee on the Quebec Election Petition have leave to adjourn until Tuesday the tenth day of April next, at Ten o'clock in the forenoon.

The Honorable Mr. Cameron reported from the Select Committee on the Bill to amend the Act to abolish the right of Primogeniture, and to afford relief to parties succeeding to the real estate of persons dying intestate in certain cases in Upper Canada, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Monday next.

Mr. Gill, from the Select Committee appointed to try and determine the

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matter of the Petition complaining of an undue Election and Return for the County of Lotbinière, informed the House, That Joseph Charles Taché, Esquire, a Member, and the Chairman of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee this day.

Ordered, That Joseph Charles Taché, Esquire, do attend in his place in this House on Monday next.

Mr. Jean Baptiste Eric Dorion reported from the Select Committee on the Bill to establish (sic) a Registry Office in the County of Arthabaska, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Monday next.

Ordered, That the Petition of F.X. Marcotte and others, of the County of Portneuf, be printed for the use of the Members of this House.

Ordered, That the Petition of the Municipal Council of the County of Simcoe, be referred to the Select Committee to which was referred the Bill to amend the Municipal Corporation Acts.

*Ordered, That the Honorable Mr. Merritt have leave to bring in a Bill to incorporate the Niagara District Bank.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.*

*On motion of Mr. James Ross, seconded by Mr. Church,*

*Ordered, That the Order of this House of the fourteenth of December last, referring the Bill to incorporate the Ontario and Bay of Quinté Canal Company, to the Standing Committee on Miscellaneous Private Bills, be discharged.*

*Ordered, That the said Bill be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.*

*Sur motion de MR. MONGENAI, <sup>1</sup>*

*(700)*

*Ordered, That the Petition of Lemuel Cushing, Esquire, Merchant, of the Township of Chatham, County of Argenteuil, be referred to the General Committee of Elections.*

*On motion of Mr. Larwill, seconded by Mr. Brown,*

*Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a List of all Crown and Clergy Lands which have been sold within the County of Kent, since the first day of January, 1852, with the date of each sale, the names of the parties to whom sold, and the amount paid on each sale; also, a List of the Crown, Clergy, University, School and other Lands remaining unsold, and also of the Town Lots in the Town of Chatham, in the said County, remaining unsold.*

*Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.*

*Ordered, That Mr. Felton have leave to bring in a Bill to establish Registry Offices in the County of Wolfe.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*(701)*

*Ordered, That the Honorable Mr. Attorney General Drummond have leave to bring in a Bill to annex certain tracts of land to the County of Argenteuil, for Electoral and Municipal purposes.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.*

*Ordered, That Antoine Polette, and Charlet (sic) Alleyn, Esquires, be added to the Select Committee to which was referred the Bill to amend the Judicature Acts of Lower Canada.*

*A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:*

*Mr. Speaker,*

*The Legislative Council have passed the Bill, intituled, "An Act to incorporate the Evangelical Society established at La Grande Ligne, in the District of*



*Montreal, for the purposes of Education and Religious Instruction," without any Amendment: And also,*

*The Legislative Council have passed the Bill, intituled, "An Act to amend the Act incorporating the Brockville and Ottawa Railway Company," with several Amendments, to which they desire the concurrence of this House: And also,*

*The Legislative Council have passed a Bill intituled, "An Act to amend the Act to modify the Usury Laws," to which they desire the concurrence of this House.*

*And then he withdrew.*

*A Bill from the Legislative Council, intituled, "An Act to amend the Acts to modify the Usury Laws," was read for the first time.*

*On motion of the Honorable Mr. Hincks, seconded by Mr. Rhodes,*

*Ordered, That the Bill be read a second time on Monday the twenty-sixth instant.*

MR. COM. CR. LANDS CAUCHON asked leave to introduce a Bill, intituled, "An Act to amend the Imperial Act, re-uniting the Provinces of Upper and Lower Canada." He said that, according to the measure which he now proposed, the Legislative Council should be composed of the present members and 48 elective members, the crown having in future no power of creating Legislative Councilors. The tenure of office would be for eight years, but the Council would be renewed by one-fourth every two years.<sup>2</sup>

Ironical cheers from the opposition and cries of--EIGHT Years!<sup>3</sup>

[MR. COM. CR. LANDS CAUCHON continued:] To determine the order in which they should retire from the council, the names of the counties or districts choosing members would be arrayed in groups of four and placed in twelve separate boxes. The names would then be drawn, and the members for those that came out first would go out at the end of two years, the second twelve would go out at the end of four years, the third at the end of six, and the fourth at the end of eight years. The council would thus be renewed to the extent of one-fourth at the end of every two years. The whole 48 would be elected at once when the Act came into operation, and would retire in the order he had explained. The property qualification was to be a thousand pounds, and the members would have to be 30 years of age and British subjects. The electors would be the same, as those entitled to vote for members of the House of Assembly, the districts of course being of larger extent. The Bill also provided that in future there should be no property qualification for members of the House of Assembly.<sup>4</sup>

MR. BROWN.--Is the Government to have the power of dissolving the Elective Council at any time?<sup>5</sup>

MR. COM. CR. LANDS CAUCHON.--The Government will not have the power of dissolution. We want to be democratic, a little more than the member for Lambton.<sup>6</sup>

MR. MACKENZIE.--Will the Council elect its own Speaker?<sup>7</sup>

MR. COM. CR. LANDS CAUCHON.--No!<sup>8</sup>

MR. PAPIN.--Is that democratic too? (Hear, hear and laughter).<sup>9</sup>

MR. GAMBLE.--How long are the present members of the Legislative Council to remain in office?<sup>10</sup>

MR. COM. CR. LANDS CAUCHON.--They will remain for life. They are respectable gentlemen, and he wont put them out.<sup>11</sup>

MR. A. DORION (Montreal.)--Will the seven (sic) recently created members remain for life also?<sup>12</sup>

MR. COM. CR. LANDS CAUCHON.--There will be no difference between them and the others.<sup>13</sup>

MR. BROWN.--Will the 48 new members be divided equally between Upper and Lower Canada, or are we to have representation according to population?<sup>14</sup>

MR. COM. CR. LANDS CAUCHON.--There will be 24 for Upper Canada and 24 for Lower Canada.<sup>15</sup>

MR. ROBINSON.--Hon. gentlemen opposite are defeating their own object. They are giving the Government so many hints to enable them to improve their Bill.<sup>16</sup>

MR. A. DORION (de Montréal) dit qu'il voit que la mesure est conservatrice, mais qu'il ne pouvait attendre autre chose d'un ministère entièrement conservateur. Il ne désire pas entrer dans aucune (sic) discussion aujourd'hui, mais il demande au ministère ce que devient le bill introduit durant la première partie de la session par l'honorable M. Morin?<sup>17</sup>

MR. COM. CR. LANDS CAUCHON répond que si M. Morin était ici pour conduire sa mesure, il la conduirait; mais que s'il n'y vient pas elle sera laissée de côté.<sup>18</sup>

MR. HOLTON dit que dans les explications ministérielles, le galant chevalier (Sir Allan) a dit et répété qu'il n'y avait eu aucun changement de principes dans les remaniements ministériels,--et cependant le bill de M. Morin a été abandonné pour un autre qui n'est pas du tout le même, si on en juge d'après l'exposé que vient d'en faire l'hon. Commissaire des Terres. Il regrette que l'hon. membre pour Verchères (M. Cartier) ne soit pas à sa place, parce qu'il voudrait le féliciter sur les progrès étonnans qu'il a faits depuis deux ans sur cette question et sur l'amélioration de ses principes. Il y a deux ans, il a refusé de faire partie du gouvernement parce qu'il voulait exiger une qualification pécuniaire.<sup>19</sup> He refused to accept office unless the qualification was made £2000 in real estate.<sup>20</sup>

Cris de non! non!<sup>21</sup>

[MR. HOLTON continue:] Aujourd'hui, le gouvernement demande une qualification de £1000, et pourtant on dit qu'il n'y a eu de changemens de principes d'aucun côté! (Écoutez! Écoutez!)<sup>22</sup>

MR. HINCKS.--That is entirely a mistake. The point on which the member for Vercheres differed from the then Government was whether the qualification should be a pecuniary one or as purposed by the Government, that the members should be selected from those who had been Reeves, Wardens, or members of the Lower House. The question as to the amount of qualification was not raised.<sup>23</sup>

MR. HOLTON se rappelle très bien, et tous ceux qui sont autour de lui disent la même chose, que lors des explications qui eurent lieu dans la chambre sur les négociations en question, M. Cartier a formellement dit qu'il avait refusé la situation qu'on lui offrait parce qu'il voulait exiger une qualification foncière de £2000, et pas moins, tandis que le gouvernement n'en voulait pas, et que c'était là la seule différence. Il pourrait le prouver par les journaux du tems s'il les avait sous la main, mais il est sûr que sa mémoire est fidèle. Cependant aujourd'hui l'hon. membre pour Verchères consent à n'exiger que £1000, et il accepte l'office et les émolumens.<sup>24</sup>

MR. COM. CR. LANDS CAUCHON.--C'est parce qu'aujourd'hui l'argent est rare.<sup>25</sup>

MR. HOLTON.--And public virtue is still scarcer. (Hear, hear and laughter.) I must also felicitate the hon. Commissioner of Crown Lands on the great progress he has made, when only a few months ago he was strongly opposed to any proposition for making the Legislative Council elective, as were also all his colleagues, except the Postmaster General who I believe up to the period that he entered Parliament always consistently advocated elective principles.<sup>26</sup> Il parait que le pouvoir opère d'étranges conversions.<sup>27</sup>

MR. CAMERON said the position of the half dozen fossils seemed to be growing stronger in the House<sup>28</sup>. It was only the fossils who would gain by this bill, since he believed that no part of the House would desire to carry this bill<sup>29</sup>. Even those who had always clamoured for an elective Council were not satisfied with the measure when they got it<sup>30</sup> so that those opposed to the measure would gain their point.<sup>31</sup>

MR. GAMBLE believed there were many good features about the Bill, and he was willing to accept it as a first instalment, although it did not go the whole length he desired it should.<sup>32</sup> [He] did not think that the member for Montreal had made much of his point. There was no great difference between £1,000 and £2,000. A coalition government must of course be carried on on the principle of compromise.<sup>33</sup>

MR. HOLTON admitted that the member for Renfrew was more competent to state facts with regard to the introduction of the last bill than he was. But was it not given out to the public at that time that the hon. member for Vercheres refused office because the pecuniary qualification in his opinion was insufficient, and he stipulated for £2,000?<sup>34</sup>

MR. HINCKS said he had not had time enough to consider the explanations which had been made, to say whether he should be prepared to support the Bill in all its details. At the same time he did not think hon. gentlemen opposite had any good ground for attacking the Government as to any departure from principle as to this Bill. Mr. Morin's first bill proposed that the members should be elected for nine years and should go out by one-third at a time. The House preferred a term of six years, but the Government were not prepared to abandon the measure on that account, and in yielding the point abandoned no principle. The Government of which he had been a member, also yielded the point as to the qualification of members. This qualification they first proposed was made the subject of a good deal of ridicule, but he still thought it the best that could have been adopted.<sup>35</sup> He remembered distinctly that when the hon. Mr. Morin introduced his resolution, there was no pecuniary qualification named. The present Provincial Secretary had contended for a qualification without reference to the particular amount, and refused to join the Ministry until the pecuniary qualification was adopted.<sup>36</sup> He [Mr. Hincks] did not think that in this country a mere pecuniary qualification was the best. On the contrary he thought that that of making persons qualified for seats in the Legislative Council in consequence of their having received marks of the public confidence was exactly the kind of qualification calculated to give them that weight in the country which it was desirable that the Legislative Council should possess. At the same time he was free to admit that that proposition not having been approved of by the House, the Government had been obliged to abandon it. He thought the details of this Bill might be considerably improved, but he was willing to say this that he did not see anything in the details which would prevent him, if a member of the Government, from agreeing to a measure of the kind. He thought the Crown should



have the power of dissolution. He considered the term of service too long, and he did not like its being divided into so many as four parts. Of course hon. members would differ as to detail, although all agreed as to the principles, but he had no doubt that the House would agree to a Bill that would at all events be satisfactory to the country.<sup>37</sup>

MR. A. DORION (Montreal) said the Provincial Secretary had stated only last month on the hustings at Vercheres that he had refused to join a previous administration because he wanted a property qualification for members of the Legislative Council of<sup>38</sup> £1,500 à £2,000<sup>39</sup> and they would not consent.<sup>40</sup> [He] said at the time, the objection of Mr. Cartier was considered very frivolous, and that the hon. member for Renfrew had got the advantage. But Mr. Cartier had certainly in his public speeches, at Church doors, persevered in advocating a high qualification; and at an election meeting<sup>41</sup>, at the church door of the parish of St. Antoine<sup>42</sup>, had even stated that he did not want beggars to administer public affairs.<sup>43</sup> How was it that he could give his consent so soon after such a statement as that, to taking away the property qualification of members of this House? (Hear, hear.) When he saw these discrepancies, he must say that he could not but despair of the morality of our public men. (Oh! Oh!) Hon. gentleman (sic) might cry Oh! Oh! but he was warranted in saying so, when he looked at the conduct not only of the Provincial Secretary, but of the Commissioner of Crown Lands, who but a few months ago in this House declared himself opposed to the principle of an Elective Council which he now introduced a Bill to carry out, when he heard the Attorney General East say he would assist in carrying the measure, but he believed it would upset the constitution, and when he saw all the other members of the administration, except the Postmaster General and the member for Levis, chime in, not from conviction, but because they said public opinion forced them to it. Was this a proper position for public men to occupy? They ought to endeavour to lead and correct public opinion, instead of being led to do anything that public opinion required, whether they held it to be wrong, or to be just and right. He hoped the member for Vercheres would explain the discrepancies in his own conduct, and how it was that he was now prepared to open the doors of this House to the beggars, to there (sic) who had no stake in the country in the matter of property.<sup>44</sup>

MR. PROV. SEC. CARTIER said that it was not a qualification of £2000, as stated by Mr. Holton, that he had regarded as the necessary qualification.<sup>45</sup> [He] repeated what had been said by Mr. Hincks, that when offered a seat in the last administration he made a pecuniary qualification not the amount of it, the sine qua non to his accepting office. He was aware, however, that the newspapers had reported him as insisting on a £1000 qualification. During the recent Vercheres election, at one of the meetings an opponent of his, a person of French origin, was representing him (Mr. C.) as an aristocrat, because he wanted a £2000 qualification. He (Mr. C.) was not present<sup>46</sup>. [OR] On one occasion, he met a Mr. Lake, who was accusing him of being an aristocrat, when he said to the people that they would be surprised to know how many aristocrats they had among them--that he was sure they had several persons with an amount of property greater than the qualifications he proposed, and they told him they had two or three hundred such persons. Indeed, they treated the hon. member for Montreal and his brother with contempt--no one would hear them.<sup>47</sup> The people gave this answer--they said, "he [Mr. Lake] is right, it is to prevent beggars like you from sitting in that place."<sup>48</sup>

A Voice.--But many of them voted against you.<sup>49</sup>



[MR. PROV. SEC. CARTIER continued:] He (Mr. C.) did not represent a beggarly constituency, and he carried his election because he explained to his constituents that, as far as it would be in his power, he would insist on respectable political institutions, based as much as possible on property. As in the alleged discrepancy, in his not insisting on a property qualification for the members of the House of Assembly, he was satisfied if property was represented in one branch of the Legislature, and had stated so on a former occasion in this House.<sup>50</sup> The government of that period had adopted his views.<sup>51</sup>

MR. HOLTON claimed that the statement he had made as to the hon. gentleman's position in regard to the question of qualification was fully made out by what had fallen from himself. He admitted that the newspapers had reported him as insisting on a £2000 qualification, and not till to-day had that report ever been called in question.<sup>52</sup>

MR. CHABOT said it was not the first time the hon. Provincial Secretary had denied the correctness of the reports which attributed to him a stipulation for a qualification of [£]2000 for Legislative Councillors at the time when the office of Chief Commissionership of Public Works was offered to him. He (Mr. Chabot) had heard him deny the correctness of that report on more occasions than one. He had simply contended for the principle of qualification.<sup>53</sup>

MR. MACKENZIE said that this was one of those measures which more perhaps than any thing else shewed the utter inconsistency of certain legislators. When the hon. Postmaster General went up to Wentworth for re-election in his printed address to his constituents, he told them that he had "felt it to be his duty to support the Coalition rather than risk the consequence of factious intrigues." This was just the language used by the hon. member for Renfrew, (Mr. Hincks) who promised, along with his friends to give a generous support to the Government. And by the way, they had seen last night what that "generous support" amounted to. When he saw the way that his friends voted last night on the Argenteuil case, it struck him that that support was not so generous as it might have been. Knowing well the hon. member for Renfrew since he came to this country, and knowing who they were that supported him in the House, and believed him to be the god of the country as a politician, he must say that when he saw what they were about last night, it did appear to him that the purposes for which the member for Renfrew and his friends had placed the Government where they were, had about been fulfilled, and that the "generous support" they were to give was to become small by degrees and beautifully less. (Hear, hear.) The Bill introduced to-day was a remarkable commentary on the address of the Postmaster General to his Wentworth constituents, if they might judge of it from the explanations of the Commissioner of Crown Lands, who did not himself cut a very consistent figure. The Postmaster General said in that address that he had joined the coalition on the "understanding clearly and cordially expressed, that all possible despatch would be used in carrying out the measures of the late administration." One of those measures ... [was] "a change in the constitution of the Legislative Council so as to make that body elective." They had only to look at the character of this Bill, to see that promises were like pie-crusts made to be broken. The measure of the present Government could not with the least semblance of truth be called the measure of the late administration. That gave 60 members elected by the people, this only 48. According to the measure of the late Government, the 35 members nominated by the crown would have been at once swept out--the measure of the present Government kept them all in, however long they lived, though it should be to the age of Methuselah. The last Bill provided that members should be elected for six years, divisible in three--this

gave a term of eight years, divisible in four. Hon. gentlemen opposite, if on their oath in a Court of Justice, would be compelled to declare that this was a different measure, and that they were not carrying out the measure of the late administration, as they had promised,--but the love of saying "We govern," and the power of sticking Hon. to their names made people do many things that were dishonorable. The old fogies above no doubt hoped that the measure would be lost, in consequence of being brought in by hon. gentlemen who had done everything in their power to frame a bill that everybody would revolt at. (Hear, hear.) But could they on their honor declare that the two measures were the same. He would leave that question to be settled by the Postmaster General with his conscience, which he believed was large and capacious, and if he wanted a legal adviser to assist him in soothing it, he might consult his friend the Attorney General, who by the way, along with the gallant knight from Hamilton, had taken care to be absent from the divisions in last Parliament on the Legislative Council question, to be prepared for every contingency, not knowing how things might jumble up. He could not find the names of either Sir A. M'Nab, or J.A. Macdonald in the division list. They took good care not to record their names against it in the journal of the House.<sup>54</sup>

A Voice.--But they spoke against it!<sup>55</sup>

MR. MACKENZIE.--A member near me says the hon. member for Hamilton and the Attorney General spoke against the Bill.<sup>56</sup>

MR. AT. GEN. J.A. MACDONALD.--Who said that?<sup>57</sup>

MR. BROWN.--I did!<sup>58</sup>

MR. AT. GEN. J.A. MACDONALD.--I never spoke a word in this House on the subject. I was in Kingston at the time.<sup>59</sup>

MR. BROWN.--Very true--in 1853; but has the hon. gentleman forgotten Mr. Morin's resolutions in 1852?<sup>60</sup>

MR. AT. GEN. J.A. MACDONALD.--I opposed the principle of making the circumstance of having been a Reeve, Warden &c, the qualification for members.<sup>61</sup>

MR. BROWN.--The hon. gentleman opposed the whole scheme, and contended that it would lead to a change of constitution.<sup>62</sup>

MR. MACKENZIE proceeded to say that it had given him great delight to sit down for a moment or two to allow hon. gentlemen opposite ... save their character. (Laughter.) But he had next a word to say to the hon. member for Vercheres, now the Secretary of the Province. When he heard him speaking this afternoon, he could scarcely believe that it was the same person who, in 1837, used to send him grand and inspiring documents, signed by himself as the secretary, the great gun of Democracy. Perhaps the hon. gentleman had got a dislike of beggars from the beggars he had to associate with in 1837!--perhaps he had got a "puke" by them at that time, which had made him keep apart from them ever after. He (Mr. M.) did not think it was rank or wealth that made a man respectable. There were many who held high situations in the Government who might neither be so honest nor so respectable as the beggar. Lazarus the beggar went to Abraham's bosom, but the rich man died and went to the other place. And perhaps the hon. member for Vercheres, had he stuck to Democracy, instead of becoming Solicitor to the Grand Trunk, and picking what he could out of it, and now becoming Provincial Secretary--he too might have been more respectable than he was at this day. But his special business was with the Postmaster General,

who having sold himself and his principles and his party, had left also the very measures which he told his people at Dundas he went into the Ministry to carry out. The former measure gave the power of dissolution--this did not. According to the former measure the members would be elected for six years, and the council could be dissolved in case of any difficulty. Now they were to be elected for eight years and not to be dissolved at all. Had he been with the Post Master General in his election for Wentworth, and been able to have foretold in the spirit of prophecy the position at which the hon. gentleman had never arrived, and when he had been going off at a tangent, ever further and further from the line in which he ought to go, would not his constituents have been a little astonished? The principle of the Legislative Council Bill had been settled by the House in 1853, but the men who were the enemies of that principle had been assisted into power by the hon. member for Renfrew. That hon. gentleman had deliberately sacrificed his views and principles and those of his party, in order to put into office the Tories, the very men he had always condemned during the best days of his life.<sup>63</sup> [He] had turned round upon those fast political friends, who had raised him to wealth and rank from a poor £200 a year, and had handed them over to his enemies. The hon. member gave them a generous support--he did so last night on the Argenteuil case<sup>64</sup> and they were much the better of it and went home and slept on it. (Laughter.) It appeared to him last night that the hon. gentleman was to play the same game with the Tories as he had done with the Reformers, that in short he was to be true to no man.<sup>65</sup>

MR. SICOTTE the SPEAKER.--Order.<sup>66</sup>

MR. MACKENZIE said he had an unfortunate habit of speaking unpleasant truths, but he willingly bowed to the speaker's authority. He then read from the Journals of the House an amendment by Mr. Brown when the subject was under discussion in the last Parliament, to the effect that "two elective chambers are contrary to the principles of British Constitutional Government."<sup>67</sup> Who did he catch in his net, when he moved a resolution declaring it to be subversive of the constitution, and calculated to introduce an entire change in the system of government?<sup>68</sup> Among the yeas were Messrs. Cauchon, (Hear, hear) Robinson, Lyon, and Stevenson.<sup>69</sup> Why, the honorable (sic) member of Montmorenci voted with the member for Lambton; yet now down he came, and the very moment he got into office, was ready to introduce this very measure. After a short schooling under the premier at the house with the flagstaff over it, he had learned the task of eating up his words<sup>70</sup>. Mr. Cauchon changed his principles and his politics and his seat in the House, and for his £1000 a year and the advantages of office, the hon. gentleman gave up the principles held by the old Reformers of Lower Canada at the time when he (Mr. M.) used to admire them and was expelled [from] the House by the gallant knight for speaking of the excellent conduct of the Lower Canadians in supporting elective institutions.<sup>71</sup> Sir Allan MacNab, ... afterwards--that was the best of it--confessed that he was wrong, and he himself (Mr. McK.) right. Upon conditions of such apostacy<sup>72</sup> he would not change places with the crown Lands commissioner for £2000 a year.<sup>73</sup>

MR. COM. CR. LANDS CAUCHON.--No one offers it to you.<sup>74</sup>

MR. MACKENZIE: Well, nobody ever had a better opportunity of attaining wealth and power than himself. The reports of the British Parliament would prove that; but though he made many mistakes--perhaps the affair of 1837 was the greatest--he had in all the political changes which he had brought about tried to be consistent, and succeeded in being disinterested. While he was so, he



should not be put out of countenance by all the opera glasses which the Crown Lands Commissioner (who was just then using one) might direct upon him.<sup>75</sup> Returning to Mr. Brown's amendment that two Elective chambers are contrary to the principles of British Constitutional Government, he repeated that the names of Sir Allan MacNab and J.A. Macdonald were not in the division list.<sup>76</sup> It would be interesting to know why the Honorable Attorney General, and the hon. member for Hamilton, were not present at former votes on this subject. It would be unparliamentary to say that they were dodging: but it was more consonant, no doubt, for them to be absent<sup>77</sup> [OR] it would be unparliamentary to say that they were boozing; but it was more convenient, no doubt, for them to be absent.<sup>78</sup>

MR. AT. GEN. J.A. MACDONALD said he was at Kingston.<sup>79</sup>

MR. MACKENZIE: Well, where was the gallant knight?<sup>80</sup>

MR. PRES. EX. COUN. MACNAB.--I was sick at the time.<sup>81</sup>

MR. MACKENZIE.--There were a great many sick at that time. (Hear, hear.) The member for Lambton then moved that representation should be on the basis of population. Among the yeas were Messrs. Brown, Gamble, Smith of Frontenac, Robinson, Seymour, (one of the new made lords) Shaw, and Stevenson. Did Solicitor General Smith go for representation by population now? No! but for place, with a salary attached to it. (Hear, hear.) The hon. gentleman was a fit associate for the Postmaster General, who said he was to carry the measure of the late administration, but brought in others quite different, and for the Crown Land's Commissioner also, who had put his principles into his pocket and walked across for the sake of office, although he would not accept the small concern that the member for Renfrew had offered him. All those gentlemen in order to keep themselves in the Government, were now to vote down what they used to vote up.<sup>82</sup> He ended by expressing his surprise that after one scheme had been sent home to England, had been approved by the Duke of Newcastle, and appeared on the sessional papers of the British Parliament, an entirely new measure should now be sent down. It was wrong to ridicule such serious matters; but it was hard to treat as anything but a joke, so great a diversity as existed between the honorable member for Vercheres, democracy in 1837, and aristocracy in 1855.<sup>83</sup>

MR. POST. GEN. SPENCE considered Mr. McKenzie as he himself sometimes said, as a very erratic genius, sent to Parliament by an anomalous constituency, part Christian, part heathen, combined within the bounds of Haldimand, of whom probably the Christians never voted for the hon. member.<sup>84</sup> [He] had painted himself as erratic, as guided by rules which were obtained among the people of Haldimand, rather than by those which usually guide gentlemen in the House.<sup>85</sup> The hon. member for Haldimand had been very anxious to impress the house with the idea that he (Mr. Spence) had deserted his former party and principles. He (Mr. Spence) admitted that the conduct of a public man was public property, and was liable to attack, but he did desire that the member for Haldimand should not time after time impose upon this House mere unsupported statements, nor make loud charges of inconsistency without adducing one solitary fact in support of these charges.<sup>86</sup> It might be that the hon. member found his position miserable after thirty or forty years of public life, and that the system of Government he had once professed to admire had become disagreeable to him; but still it would be better for the honble. member and his friends to confine themselves to the discussion of measures before the House, instead of examining the conduct of members of the Government upon all occasions. It was only a few nights before



that ministers were taunted with neglecting to bring down this measure. The charge of insincerity then made had lost its effect, and that night members could see how far their prophecies were from being realised. Yet now they turned the discussion wholly away from the subject, to attack the member for Vercheres, the Crown Land Commissioner, and himself.<sup>87</sup> The member for Haldimand had referred to the Wentworth election contest of September and October last. It certainly did not offend him (Mr. S.) to have that contest referred to, for it was a passage of arms which would have its appropriate place in the history of this country. (Oh! Oh!) He had to contend on that occasion with the hon. member for Lambton who thought it was discharging his duty to his country in leaving Quebec and going on a pilgrimage to convert the honest Presbyterians of Wentworth,--with the member for Norfolk also, and the member for Brant (Mr. Christie) and the member for Waterloo who accompanied those hon. members on their mission.<sup>88</sup>

MR. FOLEY.--It is not so.<sup>89</sup>

MR. POST. GEN. SPENCE.--Did not Mr. Foley leave the City of Quebec along with Mr. Freeman and Mr. Christie?<sup>90</sup>

MR. FOLEY.--There is not a word of truth in it. I did not think it worth my while to go to your election at all.<sup>91</sup>

MR. POST. GEN. SPENCE.--Was he not hanging on the borders of the County during the time of the election<sup>92</sup> though he had not the manliness to enter upon it.<sup>93</sup>

MR. SICOTTE the SPEAKER called the Postmaster General to order. If he was allowed to go into that subject, others would claim to reply and there would be no end to it.<sup>94</sup>

MR. FOLEY (to Mr. Spence).--Talk about something else besides yourself.<sup>95</sup>

MR. POST. GEN. SPENCE then proceeded to deal with the charge of the member for Haldimand that he (Mr. S.) had sold his friends and his principles. He did not expect, however, that much weight would be attached to the statements of the member for Haldimand, who enjoyed an unenviable notoriety for blackening the character of other hon. members<sup>96</sup> and it was perhaps wrong for him to notice anything that gentleman said. He might, however, console himself with the reflection that he had spoken of Dr. Rolph as a dodger, and had applied similar names to Mr. Brown<sup>97</sup>, the member for Brant, the member for North York, and others with whom he now acted, so that he (Mr. S.) had also come in for a share of his abuse.<sup>98</sup> Here the honorable member read one or two extracts from writings in which Mr. Mackenzie had roughly handled Dr. Rolph, Mr. Hincks, and other members of the House<sup>99</sup>:

"All that men could do or say against British power, John Rolph said and did while in the States. But he talked and acted in the dark, and having changed his tactics is now ready to blast the memory and reputation of both dead and living who followed him, of men who acted openly and neither in death, nor in life concealed their opinions or conduct."

"When it came to the vote, the artful old dodger, Rolph, who had voted again a few minutes thereafter, slipped off into the adjoining rooms. If cringing servility, an abandonment of principle, for which the country was consulted, puffs about 'princely stamina' under 'stipulations,' deserve reward from a bad system, Rolph should be provided for."

What agreement could there be on the other side of the House, when the member for Haldimand and the member for Norfolk voted together.<sup>100</sup> The hon.

member read from the address he had laid before his constituents on the occasion of his joining the present Government, and in which he promised that they would carry certain measures. He put it to the House whether the Government had not manfully, honourably and straightforwardly done the things they promised to do, and which he had ventured to assume the responsibility of promising that they would do?<sup>101</sup> He put it to the House to say whether they had not done so, and whether they had not thus justified him for having, in a difficult crisis, thrown himself into the breach. He also asked the House how long it was to be permitted to the member for Haldimand thus to get up and attack members of the House; and here he was reminded of the name "dissolving views" which had been applied to one member of the House. Where was the hon. member then (Mr. Mckenzie having left his seat.)<sup>102</sup>

MR. WILSON.--He will soon be back, he is not afraid.<sup>103</sup>

MR. POST. GEN. SPENCE put it to the House, whether, in a young country like this, it was not to be deplored, that through speeches in that House and through the press everything was represented as coming from a filthy source.<sup>104</sup> The last of the measures they promised was now on the table. He had been charged with having falsified his statement to the electors of Wentworth, because some of the details of the measure were altered. He considered that he had rather an additional claim on the regard of his constituents, if, with his colleagues he had treated the question cautiously and given every attention to making its details such that the new measure could be safely incorporated with our present system of Government.<sup>105</sup> Was it to be said that he had given up the elective principle because the term of eight years was substituted for six, or that he had failed to redeem his pledge because the new council was to consist of 48 members instead of 60?<sup>106</sup> Should he be told he was less democratic when he said the Governor General should not have the power of dissolving a House elected by the people? He and his colleagues were defending the liberties of the people in giving the Upper House permanence for the period of eight years. If they did not give it this stability, it would be a mere reflex of the passing gales of public opinion (Oh! Oh!) By the present Bill, they would have a chamber of respectability, of substance, of character, of standing in the country, and the members would have such a tenure of office as would give them influence, and enable them to be an efficient Court of Revision, exercising a salutary check on the hasty legislation of the Lower House. It was his purpose on this occasion, in replying to the charges which had been brought against him, to have gone into the history of the formation of the present Government, but he would reserve that for some future opportunity, when he would be able to shame hon. members opposite who dared to accuse himself and the member for Renfrew for having done their part to make the Government of a more composite character than it would otherwise have been.<sup>107</sup>

MR. MURNEY.--Please go on. It is a history we are all desirous of hearing.<sup>108</sup>

MR. POST. GEN. SPENCE declined doing so at present, and concluded by expressing his conviction that no public man had made greater sacrifices for Liberal principles than the hon. member for Renfrew, and no one shared with him those principles more thoroughly than himself, (Mr. S.)<sup>109</sup>

MR. BROWN said he responded to the regret expressed by hon. gentlemen opposite, that charges of inconsistency and tergiversation should be so frequently brought against hon. members; but he thought there was one thing still more to be regretted--that so much valid cause should be given for the advancement of

such charges. (Hear, hear.) If ever there was a case in which the charge of inconsistency could be fairly levelled against public men, it was against the gentlemen on the treasury benches, in regard to the important matter now under discussion. (Hear, hear.) He did not now allude to the Postmaster General, for that hon. gentleman was not in Parliament when the subject of an Elective Council was formerly before the House; he alluded to the other members of the cabinet, but before proceeding to notice their position, he had one word to say to the Postmaster General. The hon. gentleman treated the House for the seventh time to a copious narration of that election of his; it really seemed as if there never was to be an end of that famous election for North Wentworth (laughter); and perhaps the fuss made about it is, after all, excusable. The hon. gentleman has got one victory in his life--his whole eyes are fixed on the wondrous event, to the exclusion of all else--and he really seems to fancy that all the rest of the world are gazing at it as intensely as himself. (Hear, hear.) If it were possible to draw the thoughts of the hon. gentleman away from the great event for a few moments, and from himself, he would try to recall one or two facts to his recollection, in regard to the bill before the House. He (Mr. Brown) had had the privilege of addressing the electors of Wentworth during the late election, and among other topics which came up was that of an Elective Legislative Council. The day before leaving Quebec, he had obtained from Mr. Morin a copy of the council bill introduced by Government, and taking the details of the measure as his text, he assailed (sic) the Government for proposing such a measure, and dared Mr. Spence to get up and vindicate its provisions. He challenged him to defend before his constituents the retention of the nominated councillors in the same chamber with the elected--the long term of six years, for which the councillors were to be elected--and the injustice done to Upper Canada by not taking, as the basis of the measure, representation by population. And how did the hon. gentleman reply? He repudiated the bill altogether; he declared that he had not yet considered the matter with his colleagues; he totally declined discussion. And if the hon. gentleman dared not father Mr. Morin's bill before his constituents, how infinitely more dangerous must it have been for him to defend the measure which is now before the House! (Hear, hear.) He firmly believed that had the electors of Wentworth understood that the Postmaster General would support such a scheme as this--a bill to place Upper Canada for [an] other ten years at least under the heel of the Lower Canadians--he would not have taken his seat in this House. The hon. gentleman might boast of his election as much as he pleased, but when public opinion came to be expressed on the commutation clause of the Reserve bill--on the robbery of Upper Canada by the Seignioral bill--and on the absurdities and injustice of this Elective Council bill--the hon. gentleman may possibly find the verdict of his constituents somewhat different from his anticipations. (Hear, hear.) I must say, continued Mr. Brown, that I was not a little relieved when I heard the Commissioner of Crown Lands explain the details of his bill, for I felt it impossible that 150 gentlemen of intelligence could ever assent to such a measure--and I confess I cannot dismiss the suspicion that the gallant knight and his confreres have so framed the bill as to secure its defeat. (Hear, hear.) Mr. Speaker, there are three parties in this House upon the Elective Council question. Those who oppose the measure entirely as utterly impracticable with responsible government, and as leading certainly and directly to the adoption of American republican institutions; second, those who prefer British constitutional, to American constitutional government, but who think two elective chambers capable of being worked under the British system, and therefore sustain the measure; and third, those who support the measure because they prefer the



American system to the British, earnestly desire to see it adopted, and use this bill as a stepping-stone to that end. I hold with the first of these parties, and have ever done so. I am thoroughly convinced that the adoption of this measure will be--must be--fatal to British constitutional government in this Province; I regard the British system as infinitely preferable to the American; and it will therefore cause me deep regret if the bill passes. I do not oppose it because I think the American system more truly democratic than the British; on the contrary, I think the British system gives more real, substantial power to the people, and a more direct mode of exercising it than the American or any other in the world. (Hear, hear.) And in these views I have not stood alone; they were held and boldly enunciated in this House only two years ago--by whom, Mr. Speaker? Why, by the hon. gentlemen on the treasury benches, who now bring in this bill contrary to their most cherished convictions, as the price of retaining office. (Hear, hear.) I hold in my hands a report of the speech of the premier of the government (Sir Allan McNab), delivered a year and a half ago, when this very bill was under discussion, and with the leave of the House<sup>110</sup>.

Cries of "dispense! dispense!" from the ministerial side.<sup>111</sup>

[MR. BROWN continued:] Yes! I have no doubt hon. gentlemen opposite would like to "dispense" with the record of their speeches as they have "dispensed" with their principles--but this question is too momentous to be treated lightly. The gallant knight (Sir Allan McNab) dared to charge me a few nights ago with endeavouring to lead over this country to annexation with the United States. He must have known that he was doing me an injustice--he must have known that no one in his own sphere has resisted annexation more strenuously than I have, or is prepared to resist such a movement, should it ever arise, more energetically than I will--and I think it ill became his position to throw an idle charge of that kind against any member of this House. (Hear, hear.) And why did the hon. gentleman make such a charge? Because I contended that the certain effect of the measure introduced by the gallant knight and his colleagues was the adoption in Canada of American institutions. But has no one else ever made that declaration? Has the gallant knight never expressed himself to that effect? Let me see. I read from the speech of Sir Allan McNab, in the House of Assembly, in May, 1853:--

"Sir Allan MacNab proceeded to contend that the government had brought the Upper House into contempt with a view of making it elective. The resolutions of the government were unconstitutional, and an infringement of the privileges of the other House, which was an independent body and a co-ordinate branch of the legislature. That House (the assembly) had no right in any manner to interfere with the other. He believed a Legislative Council appointed by the Crown was the only body which could stand as a check between a corrupt House of Assembly, and the Governor General. He opposed an Elective Council, because he believed an elective government must follow, and after that, the whole system of government of the United States, which would lead to annexation, an end which he should much deplore".<sup>112</sup>

Loud ironical cheering from the opposition benches<sup>113</sup>.

[MR. BROWN continued:] Such was the hon. Premier's views a few months ago, and yet here he is proposing the very measure he then denounced, in his own words, as leading his country over to American republicanism, and thence to annexation!<sup>114</sup>

Loud cheers from the opposition.<sup>115</sup>



[MR. BROWN continued:] Is this potion any the better that it comes from the hands of the hon. member for Hamilton, the quintessence of loyalty, than when it came from the hands of the hon. member for Renfrew? Had any change occurred since May, 1853, to make that palatable now which was fatal then? Do principles change because hon. gentlemen change their places? or is this surrender of the British constitution a part of the bare-faced bargain by which hon. gentlemen hold their seats? (Hear, hear.)<sup>116</sup> Was the difference to be found merely in the fact that the member for Hamilton had made a bargain with the member for Renfrew? These were not mere questions of parties, but of a much more serious character<sup>117</sup>. Sir, I do deplore that the constitution of our country should be tossed about in this way by politicians, as a game of battledore and shuttlecock. (Hear, hear.) I am convinced that the hon. gentleman was right when he warned his country of the results of this measure in 1853, but I am filled with surprise and indignation when I find him the leader of the attack.<sup>118</sup> That this measure must lean to republic[an] institutions he was convinced, and so were the greater part of the gentlemen on the benches around him.<sup>119</sup>

MR. J.S. MACDONALD.--No.<sup>120</sup>

MR. BROWN.--His hon. friend he knew was an exception, but that was the general feeling.<sup>121</sup> What were the Provincial Secretary's ... sentiments during the debate? He took up this ground that, unless you give the power of dissolution to the Crown, responsible government could not be worked, and we would be led over to the entire adoption of the American constitution.<sup>122</sup>

MR. PROV. SEC. CARTIER.--I said I did not care much about the power of dissolution, but that I would not object strongly to it, more particularly as it was surrounded by the precautions contained in Mr. Morin's second set of resolutions.<sup>123</sup>

MR. BROWN.--I will read the gentleman's words:--"The dissolving power he (Mr. Cartier) believed it necessary for the Government to keep, or responsible Government could not be maintained;" (hear, hear) and yet this power the Government has not kept in the bill before the House. The hon. gentleman was also now quite willing to take away the property qualification from the lower House; but what did he say then? He spoke thus: "The seventh resolution, which did away with the property qualification for the Lower House, he entirely dissented from. If the principle was good, why not let it be applied to both Houses as well as to one? Why degrade both Houses by taking it away? He warned the Government that if that resolution were carried, the Upper House would possess all the weight and responsibility." (Hear, hear.) The hon. gentleman is now a member of the Government, and he deliberately goes to work, in his own words, to "degrade the Lower House." And, Mr. Speaker, there is another member of this precious combination Government who has altered his tune since his accession to office. I refer to the Commissioner of Crown Lands. (Mr. Cauchon.) On the 31st May, 1853, I moved in this House that: "Two elective houses are utterly incompatible with British Responsible government, and that the great power entrusted under that system to the Ministry of the day, could not be safely continued under the relaxed restraint which two elective chambers would entail." The commissioner of Crown Lands supported this resolution in a most able speech and recorded his name on the journal in favor of it, and yet here he is today without palliation or even explanation, proposing for our adoption the very thing he then vehemently denounced. (Hear, hear.) And this is not all--he went further. I moved again and Mr. Cauchon voted that "two elective Legislative

Houses are utterly incompatible with British Responsible Government; that the great power committed under that system to the Ministry of the day could not be safely continued with two elective houses and would render necessary the imposition of checks on the power of the Executive known to other constitutional systems but totally inconsistent with British party government." 124

Cheers from the opposition.<sup>125</sup>

[MR. BROWN continued:] What are these restraints here referred to? Why a written constitution--a governor bound down by Legislative fetters--and Ministers individually responsible to the letter of the law. Is Her Majesty's Commissioner of Crown Lands now ready to impose there (*sic*) restraints? And what is the position of the Hon. Attorney General west on this question. It is very true, Sir, that my hon. friend was not present when the vote was taken in May, 1853, but he was present in October, 1852, when I made a speech against the measure, pointing out the consequences to which it would inevitably lead, and the hon. gentleman must recollect that he crossed the house on the occasion, and warmly congratulated me on my speech, and said it expressed just the views which he had himself always....<sup>126</sup>

MR. AT. GEN. J.A. MACDONALD.--I recollect nothing at all about it, but I have no doubt it was just so.<sup>127</sup>

Hear, hear from the opposition.<sup>128</sup>

MR. BROWN then proceeded to caution members of the Reform party, who had always been in favour of Responsible Government, against supporting a measure, the effects of which had been so clearly pointed out by the hon. gentleman who now introduced it, as leading to the destruction of Responsible Government, and the adoption of the American constitution. He would put it to hon. gentlemen professing to be attached to the Reform party, whether, if they had heard, while in Upper Canada among their constituents, that the Bill was to keep in all the old Councillors during their lives, they would have ventured to defend it before the electors? He would ask hon. gentlemen from Upper Canada also whether they were content to accept the practical denial of the principle that one man in Upper Canada was as good as a man in Lower Canada, and that representation should be based on population. (Hear, hear.) Was not that a principle to which almost every member from Upper Canada was committed? With the knowledge that the population of Upper Canada exceeded that of Lower Canada by 150,000, or 200,000 and in face of the fact that Upper Canada paid three fourths of the national taxes, were they prepared to build up a new branch of the Legislature, the constitution of which they would not be able to change for at least ten or twelve years, and provide in it that U. Canada should occupy an inferior position to the sister province? No argument founded on the Act of Union could apply in this case, for they were now untrammelled by that Act, erecting a new Chamber according to their own wishes and the requirements of justice. (Hear, hear.) He hoped that when the question came up, the members from Upper Canada would speak out in the way the country expected of them. He appealed to them whether they would accept the Bill at all, unless an alteration was made in that particular; whether they would not rather throw out the Bill, than allow such a mark of inferiority to be put on the people of Upper Canada? Whether they would not let things remain as they were until a new constitution could be obtained on just and righteous principles, and not on a principle so degrading and injurious to themselves and constituents. (Hear, hear.) Mr. Brown then proceeded to point out the truth of the assertion of the hon. Provincial Secretary on a

former occasion, although he would probably like hon. members to be oblivious to it now--that without the power of dissolution, taken away by this Bill, it was impossible for Responsible Government to be carried on. He entreated hon. members in favour of Responsible Government to pause before accepting this measure. He was aware that a good deal might be said in favour of the American system, but let the issue be placed on that ground, let the merits of the British and American systems be distinctly taken up and argued, not have them led on piece by piece to a consummation [of] which the majority of the house totally disapproved. He confessed that a strong argument against our system of Responsible Government, had been placed in the hands of its enemies in the very fact that an Administration under it dare bring forward such a Bill as this--a Bill to which they were perfectly opposed, as to which they declare their hearts are not with their tongues and their votes. (Hear, hear.) He did think the present Administration, by such conduct, had done all they could to damage Responsible Government and given a more powerful argument to those who favoured the American system than they ever had before. It must have been the desire of retaining office and nothing else that induced them to bring in this measure. After the words he had read, in which the hon. premier so plainly depicted its disastrous effects, no one could for a moment believe that in now urging forward the Bill, the Government were actuated by any higher consideration. (Hear, hear.)<sup>129</sup>

MR. AT. GEN. J.A. MACDONALD complained of the acrimony which he said had been manifested by Mr. Brown, and believed there was a difference between liberty and licentiousness which that gentleman had not found out.<sup>130</sup> [He] had a great respect for liberty of discussion--for freedom of speech; but in this house liberties of speech were indulged in which could hardly be said to add to its dignity.<sup>131</sup> Here he cited the words of Madame Roland on the scaffold. "Oh liberty, what crimes are committed in thy name!" and he went on to say that when he first came into Parliament the practice which now prevailed of attacking ministers on all occasions was not known, but members in general confined themselves to considering the merits of the questions under discussion.<sup>132</sup> It did seem to him that, with the exception of the hon. member for Haldimand, of all the members in this house, the hon. member for Lambton most abused his honorable colleagues in the name of liberty. Frequently strong language was used in England, in Parliament, and out of it, but we did not hear of such personal attacks as were here so prominent. But not only were personal attacks much too common, but [it] was a painfully common practice to virulently attack every measure as it came up. When there was just cause attack was undoubtedly proper; but to attack every measure without regard to its merits was only as absurd as it was improper. Every measure should be judged upon its merits. But here it was the practice to enquire only who introduced this or that measure, to attribute motives to its author, and to vote for or against it as the author is a political associate or the reverse. But those who really loved their country would discuss measures on their own merits alone, and without the slightest allusion to parties introducing them. This was not the occasion to attack personally, nor one on which hon. members should allow themselves to be drawn away by the insinuations of those who, while professing to be the friends of elective institutions, were the opponents of this bill. The honble. member for Lambton had attempted to delude the unwary. He hoped they would not be drawn away by his representations, but hear it fully discussed. The honorable member for Lambton, looking contemptuously upon his ordinary supporters, said with a quaint air of superior discernment, "Although the details of this bill may appear to be very good, you are slow of comprehension, and must listen to



everything I now say." Looking down from his eminent position as a leader of the opposition, he falls foul of the hon. member for Montmorenci, and then exclaims to his followers--"Don't make up your minds, I have made up my mind and that's enough." Every measure for an elective Legislative Council would be wrong, in the hon. gentleman's opinion. He did not object to that, but only to his lecturing them. Hon. members said they were anxious to carry out their own views; but if they were really disposed to do so, if the details of this bill were so very bad, why did they not come to the help of the administration? The hon. member for Lambton was only disgusted with the bill because he found the ground slipping under his feet. In his rage and disappointment he was attacking everybody. He had attacked some of his hon. friends who were, however, able enough to defend themselves; and he attacked those also of his own side of the house, who were too slow and sluggish of apprehension to be able to discern as he did the many faults of the bill.<sup>133</sup> He found no fault with Mr. Brown having his own opinion on this subject, but he should let everybody else do the same thing, and if that gentleman really entertained the opinion that the bill was purposely made bad in order to prevent its proper passing, the member for Lambton would give the ministry his assistance.<sup>134</sup>

A Voice.--Very honest that would be.<sup>135</sup>

MR. AT. GEN. J.A. MACDONALD.--But the honorable members diverted attention from the bill rather than discuss it.<sup>136</sup>

MR. WILSON.--Why do you not discuss it?<sup>137</sup>

MR. AT. GEN. J.A. MACDONALD was replying to the attacks of this honorable member of Lambton.<sup>138</sup> Probably the acute representative of London, with that sarcastic manner which was peculiar to him, and which had so telling an effect, will also oppose the measure. To that even he had no objection.<sup>139</sup> In reply to the member for Lambton, who stated that according to the Premier himself, the effect of the measure would be to do away with responsible Government, and assimilate our constitution to that of the Americans. Mr. M. stated that the whole details of this measure had been most carefully weighed, that it might be of such a character as would enable them to introduce the elective principle into the Upper House, without destroying that principle of Responsibility which is the great advantage possessed by the people of Canada over those of the United States. Every one of those details which had been objected to by the hon. member for Lambton had been introduced, with the express view of introducing the Elective principle and at the same time preserving Responsible Government.<sup>140</sup> The hon. member for Haldimand saw an entire abandonment of the elective principle. It was nothing of the kind. It was merely a gradual instead of a violent introduction of the elective system. After the most careful division of the Province into electoral districts, it was found that 48 members were better than 60. Hon. gentlemen had called the bill an experiment, and it certainly was so.<sup>141</sup> The hon. member [Mr. Brown] spoke of the Upper House as if they would be a set of obstructives, holding office for eighty years. His (Mr. M.'s) fears on the other hand, was (sic) that the Upper House would be the more immediate reflection of public opinion--that it would be the popular body, instead of this House. Six members from Upper and six from Lower Canada, would be elected every two years, and as the last election might always be considered the last reflex of public opinion, the Upper House would thus be brought more frequently than the Lower House in direct contact with popular opinion.<sup>142</sup> It was to be borne in mind that if a second chamber was wanted at



all, it was not merely to record the measures of the Legislative Assembly. If they were to have anything in the way of a second or Upper House, they must have one with a mind of its own. The Legislative Assembly and the Legislative Council were a check upon each other. It was for the purpose of having a check--a check not certainly to be used every day--that the bill had been framed, and that the people were in favor of a second chamber. Supposing such a question as the Clergy Reserves was under consideration, and if so, stocks would not fall a farthing, but people would have an opportunity of thinking. By the bill large sections of country would send representatives to the Legislative Council, and it was this part of the bill that was particularly obnoxious to honorable members opposite.--In the smaller number returned to the Upper House, a significant hint as to the current of public opinion would be given to the Lower House. If the country approved of the conduct of the upper house, the lower house would be constrained to govern itself accordingly. There would be a kind of compulsory harmony between the co-branches of the Legislature as far as the recognition of public opinion was concerned on important questions. The danger indeed, was in the eyes of honorable gentlemen opposite that the upper house would become the popular body, and hence the fears and the enmity of the gentlemen opposite. The object of dividing the elective periods was to prevent a race for popularity between the members of the lower house and the members of the upper house.<sup>143</sup> The members of this House would be elected chiefly as representing the tax-payers of their respective counties, to be representatives of local interests, and for local reasons. For the Upper House the members would be elected for larger districts, for their general standing in the country, and for their generally known politics. Thus in the Lower House the local, particular, and material interests of the people would be chiefly represented, while the public feeling on the general policy of the country, would be represented in the other House.<sup>144</sup> In legislative capacity there was no essential difference between the upper and lower houses. Either could introduce measures and either could obstruct the legislation of the other. The difference was that to this house belonged the keys of the public purse.<sup>145</sup> The great check they had on the Upper House ever becoming the popular branch of the Legislature, was, that the keeping of the public purse was reserved to the Lower House, with the sole right to originate any money grants, and as long as it had this power, it must necessarily be the ruling and governing body of Canada.<sup>146</sup> But honorable gentlemen said that the bill took away the power of being dissolutionable, and that eight years election was objectionable.--He had already disposed of the eight years matter. There were good and substantial reasons for not introducing the power of dissolution. Supposing with a Governor who was fully resolved upon suffering responsible government to be fairly carried out, who, almost to any extent, was acted upon by his ministers, a disagreement should happen between the Houses, dissolution would be arbitrarily resorted to by the advice of the leaders of the Lower House, and so the Upper House would be made a mere echo of the Lower House, a mere record chamber. Again, suppose we had a governor like Lord Sydenham or Lord Metcalf--although he thought the latter was right in the stand he made--and he got control either by blandishments or by assumption, away would go the power of the (sic) House. Such a Governor could play off one House against another. It was to prevent the Upper House from being a mere register of the Lower House that dissolution was dispensed with. The hon. member for Lambton, however, tried to ride another hobby. He always respected that member, although he attributed to him the changing of opinion for the sake of office. The hon. gentleman was a member of the fourth estate, and a member of all the

estates, and in spite of his utmost exertions every plank has been shivered under him, and he had taken up representation by population.<sup>147</sup> That principle did not apply in the present case at all. In the neighbouring Republic where the two Houses of Congress occupied the same relative position as our Legislative Council and Legislative Assembly, the Senate was composed of representatives of different sections of the country, with no reference to population. New York State, with three millions of people electing two Senators, and Rhode Island with a population about as large as that of Montreal, sending just as many.<sup>148</sup> The ministry had selected large sections of country precisely with the same object, that of fairly representing every district in Canada. It was the first time the hon. member for Lambton had taken to details to oppose a measure, and he only did so because he was opposed to a bill, the principle of which he knew to be popular.<sup>149</sup> [He] attacked its details more than its principle, which he (Mr. M.) did not consider a straightforward course.<sup>150</sup>

MR. GALT thought recriminations should be avoided. But the course pursued by public men was a fair subject of discussion. It was necessary that such a course should be pursued in order that their faults might be avoided and their virtues followed. He did think that they ought to be permitted to look into and understand the Bill. No sooner did they get to understand one measure than another was brought down. He was glad that this discussion had taken place, as it had elicited explanations from the Hon. Attorney General West. That hon. gentleman had omitted to state, while explaining the admirable working of the bill, that the influence of the elected members would be neutralized by the presence of a nearly equal number of dummies (sic). He was opposed to the length of time for which members were to be elected. It was exceedingly desirable that gentlemen should frequently be called to render an account to their constituents. He (Mr. Galt) was at a loss to understand how a responsible government could be carried on with two elective branches without the power of dissolution. The fact [was] this was only the last of a series of Bills which had been changed after they were first brought down,--notably the Seigniorial Tenure. The comparison made between this country and the United States was not a fair one, because no account was taken in it<sup>151</sup> that the Senate represented the respective States, of which the Federation was composed, no analogy to which existed in Canada, and that here no good reason could be urged why representation should not be strictly according to population.<sup>152</sup> He believed that the question of representation by population must eventually be the basis of the electoral law, and far from fearing a dissolution of the Union as threatened by the member for Renfrew as the consequence of such a measure, he believed it would cement the Union. He agreed with some hon. members who had preceded him in deprecating acrimony in the House; but members had lately seen accrimonious (sic) feeling vented through the press, which it would perhaps have been well to have allowed to come out more openly in the House, (alluding to an attack in the Leader on Mr. Cameron.)<sup>153</sup>

MR. CAMERON here rose to speak, but had scarcely got on his legs when--<sup>154</sup>

MR. AT. GEN. J.A. MACDONALD rushed across the House, and having whispered a couple of words, both gentlemen hastily left the Chamber.<sup>155</sup>

MR. COM. CR. LANDS CAUCHON said, that although this was a most important question he expected there would be no extraordinary discussion on it and that the measure would not be prejudiced until it would come before honorable members --but some gentlemen at the other side always did so for the purpose of attacking the government. It would be impossible to please all hon. members; the hon.

member for Renfrew thought the time too short, other gentlemen consider it too long. Mr. Brown wanted none--and he believed that gentleman stood alone. The very gentlemen who would vote for this measure would not vote for the other and vice versa, but those hon. gentlemen would just vote against one as well as the other. The hon. member for Haldimand thought the number of members was too small, but if the number was doubled it would be the same, he would also object. The Bill would be in every hon. gentleman's hands by Monday, and he would move the Bill be read a second time on Tuesday.<sup>156</sup>

MR. HOLTON asked if it would be proceeded with on Tuesday?<sup>157</sup>

MR. COM. CR. LANDS CAUCHON.--Yes.<sup>158</sup>

MR. GALT considered Tuesday too early, and complained of the want of notice from honorable members at the other side of Government measures.<sup>159</sup>

MR. HINCKS was glad to agree with the hon. member for Sherbrooke, and hoped that some system would be adopted in proceeding with the business of the House.<sup>160</sup>

MR. A. DORION, of Montreal, also said it would be well to have early notice of Government measures. Tuesday he considered would be too early a day to discuss the important measures now before the House,--he would say Friday.<sup>161</sup>

It was accordingly agreed on both sides of the House that the bill be read a second time on Friday next.<sup>162</sup>

(701)

*Ordered, That the Honorable Mr. Cauchon have leave to bring in a Bill to amend the Imperial Act re-uniting the Provinces of Upper and Lower Canada.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.<sup>163</sup>*

*The Honorable Sir Allan N. MacNab, one of Her Majesty's Executive Council, presented, by Command of His Excellency the Governor General, the following Paper:--*

*Copy of a Report of a Committee of the Honorable the Executive Council on Matters of State, dated 16th March, 1855, approved by His Excellency the Governor General in Council, on the same day:--*

*The Committee have had under consideration a memorandum from the Honorable the late Inspector General, Mr. Hincks, having reference to the proposed transfer to the Provincial Government of Canada, of the Ordnance Canals.*

*Mr. Hincks states that, while in London, in the Spring of 1854, he had the honor of having an interview with His Grace the Duke of Newcastle, then Secretary of State for the Colonies, in the course of which His Grace intimated the probability, that the greater portion of the Troops, then serving in Canada, would be required for foreign service, and alluded to the importance of transferring to the Provincial Government the charge of the Barracks and other buildings, the Rideau Canal, and Ordnance Lands, That he understood, both from the*

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*Duke of Newcastle and Sir Charles Trevelyan, with whom he also had an interview on the subject, that with the exception of certain reservations at Quebec and Kingston, and possibly at Montreal, the whole Lands and Property of the Ordnance would be transferred to the Province, subject to the payment of annuities to the*



Pensioners, which had been promised to them as compensation for leaving their locations. That the Pensioners at Penetanguishene and Amherstburg were not to be disturbed, but those at Niagara, London, and Toronto, were to be compelled to leave. That Sir C. Trevelyan stated that, if an arrangement could be made for the payment of these annuities, the Lands would be transferred, subject only to their payment; that he, Mr. Hincks, could give no positive assurance that the Province would accept the proposal; that he arranged with the Cashier of the Bank of Upper Canada, to pay the annuities quarterly to the Pensioners, on the assurance that when the transaction was completed, he would be repaid by the parties to whom the Lands were transferred, and in case no agreement was made, he Mr. Hincks, was assured by Sir C. Trevelyan, that the Imperial Government would refund the advance. That he also understood that all the Lands, whether reserves or purchases, were to be included in the proposed transfer.

In furtherance of the arrangement so entered into by Mr. Hincks with the Bank of Upper Canada, the Committee, in their approved Report of the 22nd January last, recommended that the Bank be instructed to advance the amount required for the payment of such annuities quarterly; and that such advances, together with the sums already paid by them on that account, should be submitted to Parliament in the Estimates of the present year.

The Committee respectfully submit for the favorable consideration of Your Excellency, that the subject of the above memorandum should, without further delay, be brought under the notice of the Imperial Authorities, with a view to the completion of a transfer of the whole of the Ordnance Lands, as well purchases as reserves, including the Rideau Canal, to the Provincial Government, with the exception of such portions as it may be expedient to retain at the Cities of Quebec, Kingston, and, if necessary, at Montreal, on the basis of the arrangement proposed to Mr. Hincks.

( Certified. )

Wm. H. Lee, C.E.C.

Sur motion de MR. A. DORION<sup>164</sup>,

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Ordered, That the said Paper be printed for the use of the Members of this House.

Ordered, That Mr. Cooke, have leave to bring in a Bill to incorporate the Aylmer Academy.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of Mr. Lyon, seconded by Mr. Galt,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a List of all Crown and Clergy Lands which have been sold within the Electoral County of Russell, since the fifth day of September last to the present time, with the date of each sale, and the names of the parties to whom sold, and the amount of each sale; and also, a Statement or List of the Crown and Clergy Lands yet unsold in the said Electoral County.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Roderick McDonald have leave to bring in a Bill to remove doubts as to the true application of the Act to provide for the recovery of



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certain rates and taxes intended to be imposed by certain By-Laws of the late District Councils or County Councils in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That the Amendments made by the Legislative Council to the Bill, intituled, "An Act to amend the Act incorporating the Brockville and Ottawa Railway Company," be taken into consideration on Monday next.

The Order of the House of yesterday, for the attendance of Edmund Murney, Esquire, in his place in this House this day, being read;--And Mr. Murney attending in his place;

Ordered, That the 84th Section of "The Election Petitions Act of 1851" be now read;--And the same being read;

Ordered, That Edmund Murney, Esquire, being one of the Members of the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, and not having been present within one hour after the time appointed for the meeting of the Committee yesterday, be taken into the custody of the Serjeant-at-Arms attending this House, for such neglect of duty.

The Serjeant-at-Arms attending this House, informed the House, That he had taken Edmund Murney, Esquire, into his custody.

Whereupon Mr. Holton acquainted the House, that he was desired by Mr. Murney to state, That his absence from the Committee on the Megantic Election Petitions was not through any intentional neglect on his part, but having mistaken the hour of meeting to be Eleven instead of Ten o'clock; and the same having been verified upon Oath by Mr. Murney;

Ordered, That Edmund Murney, Esquire, be discharged out of custody.

A Bill to extend the time for completing the Louth Harbour, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Merritt do carry the Bill to the Legislative Council, and desire their concurrence.

The House, according to Order, resolved itself into a Committee on the Bill to make certain regulations relative to Jurors for the Counties of Wentworth and Halton, for the year 1855; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Egan reported, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be now received.

Mr. Egan reported the Bill accordingly; and the amendment was read, and agreed to.

Ordered, That the Bill be read the third time on Monday next.

Then, on motion of Mr. Wilson, seconded by Mr. Holton,

The House adjourned until Monday next.

APPENDIX: 16 MARCH 1855.

[NOTICE OF MOTION FOR AN ADDRESS RE: STATEMENTS CONCERNING TURNPIKE ROADS IN MONTREAL.]

MR. PAPIN [donne avis que] jeudi prochain [il] proposera qu'une adresse soit votée à son excellence le gouverneur général, le priant de vouloir bien faire mettre devant cette chambre un état des revenus et des frais d'administration des chemins à barrières de Montréal, pendant les années 1853 et 1854.<sup>165</sup>

[NOTICE OF QUESTION RE: JUDICATURE ACT OF LOWER CANADA.]

MR. PAPIN [donne avis que] mardi prochain [il] demandera au ministère si c'est son intention de présenter durant cette session, une mesure générale sur la judicature du Bas-Canada.<sup>166</sup>

[NOTICE OF QUESTION RE: ELECTION LAWS.]

MR. PAPIN [donne avis que] mercredi prochain [il] demandera au ministère si c'est son intention d'amender les lois d'élection.<sup>167</sup>

[NOTICE OF QUESTION RE: SALARIES OF GOVERNMENT OFFICERS.]

MR. PAPIN [donne avis que] vendredi prochain [il] demandera au ministère s'il a l'intention d'accorder un salaire extra ou une indemnité à certains officiers du gouvernement pour le temps qu'ils ont donné au gouvernement durant les différentes élections qui ont eu lieu depuis le mois de juin dernier.<sup>168</sup>

[QUESTION AND ANSWER RE: QUEBEC POST OFFICE AND CUSTOM HOUSE.]

MR. ALLEYN [made an] enquiry of Ministry, as to when it is intended to commence the erection of a new Custom House and Post office at Quebec?<sup>169</sup>

It was replied that the subject was under consideration.<sup>170</sup>

[QUESTION AND ANSWER RE: FERRY BETWEEN QUEBEC AND POINT LEVI.]

MR. ALLEYN enquired of the Ministry, whether regulations will be passed by the governor in Council pursuant to the provisions of the 16th Victoria, cap. 212, for the government of the Ferry between Quebec and Point Levi, in time for the opening of the navigation this spring?<sup>171</sup>

MR. AT. GEN. DRUMMOND said that the matter was under consideration.<sup>172</sup>

[QUESTION AND ANSWER RE: TUG-BOATS ON THE ST. LAWRENCE.]

MR. HOLTON enquired of the Ministry, whether the contract with T. Maxwell and Company for the Tug Service between Montreal and Kingston has been concluded, and, if so, whether it is the intention of the Government to make other ar[rangements for the effective performance of that service during the ensuing season?<sup>173</sup>

MR. COM. PUB. WORKS LEMIEUX said the contract had been cancelled, and<sup>174</sup> that the necessary steps had been taken to have a new arrangement for the next season.<sup>175</sup>

MR. BROWN.--What is the proposed new arrangement?<sup>176</sup>

MR. COM. PUB. WORKS LEMIEUX.--We wish to receive proposals, with the view of entering into new arrangements, and have given notice to that effect in the newspapers.<sup>177</sup>

MR. BROWN.--Perhaps the hon. gentleman will not object to bring the scheme before the House in the shape of resolutions, before any new contract is entered into. It is an important matter, and the House should know the arrangement before it is concluded.<sup>178</sup>

MR. COM. PUB. WORKS LEMIEUX said that the arrangement would be submitted to the House.<sup>179</sup>

[POSTPONED MOTION RE: MILITIA BILL.]

MR. PRES. EX. COUN. MACNAB then moved the second reading of the Militia Bill.<sup>180</sup>

MR. BROWN ... hoped the Premier would not press the second reading of so important a Bill at so late a hour of the evening (between nine and ten o'clock.) Better appoint some day when it could be taken up at an early hour and fully discus[s]ed.<sup>181</sup> It was an important one requiring careful consideration, and the French copies of the bill had only been distributed that morning.<sup>182</sup>

MR. HOLTON pense que la discussion devra être longue sur un bill qui contient des principes aussi importants, et comme les membres n'ont pas encore eu le tems de se préparer pour cette discussion,--le bill n'ayant été distribué que depuis un jour ou deux,--il demande de remettre la seconde lecture du bill à un jour ultérieur.<sup>183</sup>

MR. PRES. EX. COUN. MACNAB dit qu'il n'y a aucun principe dans cette question, et qu'on peut fort bien procéder à la seconde lecture, le rapport du comité est tout ce que le gouvernement peut mettre devant la chambre.<sup>184</sup> The discussion of the details would be taken in Committee of the whole.<sup>185</sup>

[MR. HOLTON:] D'ailleurs, lorsque le bill fut introduit, il avait été entendu que le gouvernement mettrait devant la chambre toute la correspondance et tous les documents relatifs à cette mesure avant la seconde lecture, et il n'en a encore rien vu, car il est certain qu'il y a plus de documents entre les mains du gouvernement que ceux qui ont été soumis.<sup>186</sup> [He] asked the gallant Premier whether he would not lay before the House the despatches which had been received from the Imperial Government on the subject of the Militia or the defences of the Province.<sup>187</sup> Mais si Sir Allan est prêt à dire que c'est là tout ce qu'il y a, il faut encore que ce soit imprimé pour que les membres en prennent connaissance, et cette raison serait suffisante à elle seule pour remettre la seconde lecture du bill.<sup>188</sup>

[MR. PRES. EX. COUN. MACNAB:] Il s'était engagé à mettre tout ce qu'il pourrait, et il ne peut soumettre aucunes dépêches que celles qui sont sur la table. Mais si ses amis désirent que la seconde lecture du bill soit remise, il le fera volontiers.<sup>189</sup>

MR. A. DORION (de Montréal) a vu il y a quelques jours un journal qui disait qu'il n'y avait aucun principe dans le gouvernement actuel, à part ce qu'il en faut pour la régie des bureaux, et l'hon. premier vient de confirmer en propres termes ce qui (sic) disait ce journal en disant qu'il n'y a aucun principe dans le bill de milice. Pour lui (M. D.) il pense qu'il y a un grand principe dans

cette mesure: c'est de savoir si la colonie paiera de ses propres fonds une milice destinée à la maintenir contre les agressions qui peuvent venir de l'étranger. Mais il n'est pas prêt à entrer dans la discussion du bill ce soir, car il n'y a que quelques heures que les membres ont ce bill entre les mains, et il désire que la considération en soit remise à un autre jour.--L'hon. premier a dit que si ses amis le désiraient, il consentirait à remettre la seconde lecture de son bill à un autre jour. Cette conduite semble étrange à M. Dorion, car cela fait voir qu'il n'y a qu'un seul côté de la chambre dont le gouvernement prenne l'avis--les membres du côté de l'opposition ne comptent pas, et il est indifférent qu'ils soient préparés ou non à discuter les mesures du gouvernement; pourvu que ses amis le soient ou qu'ils ne s'y opposent pas, c'est tout ce qu'il faut. À propos, il lui semble que le gouvernement devrait donner quelques jours d'avis, lorsqu'il se propose d'amener un bill en discussion. Aujourd'hui, il choisit celui qui lui plaît sur une liste de huit ou dix, et sans donner à personne le tems de se préparer, il faut le discuter bon gré, mal gré; c'est grâce à une telle conduite qu'il réussit à emporter toutes ses mesures, parce que personne ne s'y attend.

Lorsque l'opposition a demandé quelles mesures le gouvernement se proposait d'amener tel jour, les ministères se sont levés et ont ri de cette demande en disant qu'ils choisiraient la mesure qui leur plairait. Il soumet au bon sens des membres si une telle conduite est justifiable de la part du gouvernement.<sup>190</sup>

MR. HINCKS parle dans le même sens et dit que les ministres devraient donner à la chambre quelques jours d'avis sur les mesures qu'ils désirent prendre en considération; la chose ne se fait que depuis quelques tems, et c'est un abus qui ne s'est introduit dans le gouvernement que depuis qu'il n'en fait plus partie.<sup>191</sup>

MR. POULIOT said the Bill had not yet been printed in French, and he hoped the second reading would be delayed.<sup>192</sup>

MR. PRES. EX. COUN. MACNAB, at the request of his French Canadian supporters then consented to postpone the Bill<sup>193</sup> for a few days if it were the general desire.<sup>194</sup>

MR. GALT hoped that when this measure again came up, the Premier would be prepared to state the views both of the Imperial and Provincial Governments on the general subject of the defences of the country and the future relations it was to bear to the Imperial Government in regard to that very important subject.<sup>195</sup> [He] hoped ... [he] would afford them a satisfactory explanation of the general principle upon which the measure was based, showing what necessity existed for the proposed reorganization of the force, and what effect it was intended to have on the relations between this country and the United States.<sup>196</sup> That statement might greatly alter his views of the measure. At present he might consider that it involved merely a wasteful expenditure of the public money, but if told that henceforth the Province would have to undertake its own defence, it might then become his duty to consider whether this measure was sufficient, or whether one on a (sic) larger scale might not be called for.<sup>197</sup>

MR. PRES. EX. COUN. MACNAB said other members know as well as he the position of affairs in Europe, and the necessity which existed for the withdrawal by the mother country of as many troops as possible from all the colonies for employment elsewhere. With regard to the intentions of the Imperial Government, Ministers were not in a position to give any satisfactory or accurate explanation regarding them. He believed they intended to garrison Quebec and Kingston, and perhaps Montreal, and withdraw all the troops not needed for these purposes.



It would be expected from all the Provinces that they should put themselves in a condition to assist in defending their territory if invaded, and to maintain order within their own territory. The system proposed by the bill regarding Volunteers, was similar to that existing in that of several of the adjoining States, and [d]ecided on by the Commissioners after a careful examination of those systems as well as those that are in force in Great Britain. There was not the slightest intention to create a standing Provincial army in the country, as there was no need of it, so long as the garrisons referred to were kept up by the Imperial Government. In exchange for these measures for the defence of the Province, the Imperial Government were prepared to transfer to the Province the valuable ordnance lands now held by it here.<sup>198</sup>

MR. GALT thought the hon. and gallant premier had lost sight of the great object of this question, viz, the relations between the Mother Country and Province, which would necessarily be in some measure affected by our taking on ourselves the burthen of self-defence.<sup>199</sup>

MR. J.S. MACDONALD thought the explanation unsatisfactory. He could not imagine this measure would have been proposed by ministers without communication with the Imperial Government. Yet all they had before them was a minute of council of a conversation between the late premier and Sir \_\_ Trevelyan. Was it possible that government was purposely keeping back information on this point.-- The burthen sought to be imposed was a very heavy one--much greater than the estimate given in the report. He as well as other members had had communications from experienced officers warning them of this. For his own part he had very great doubts if, in case of war, we should take it on ourselves to attempt to defend our extended frontiers.<sup>200</sup>

MR. AT. GEN. J.A. MACDONALD ... [said] a few words ... expressive of his surprise and impatience at the conduct of the hon. gentleman who had last spoken<sup>201</sup>.

MR. FOLEY [spoke]<sup>202</sup>.

MR. PRES. EX. COUN. MACNAB retire sa motion, et la seconde lecture du bill est fixée à mardi prochain.<sup>203</sup>

FOOTNOTES: 16 MARCH 1855.

1. LE PAYS, 20 March 1855.
2. GLOBE, 26 March 1855.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. GLOBE, 26 March 1855. In 1855, on February 8th, only six members were appointed to the Legislative Council; not seven.
13. GLOBE, 26 March 1855.
14. IBID.
15. GLOBE, 26 March 1855. The TORONTO DAILY LEADER, 28 March 1855, differs from the Globe, and reports that Mr. Sol. Gen. H. Smith replied to Mr. Brown's question. The exchange, as reported by TORONTO DAILY LEADER, 28 March 1855, is as follows:

"Mr. Brown would enquire whether the 48 members were then divided equally between Lower and Upper Canada?  
Mr. Sol. Gen. Smith--Equally."
16. GLOBE, 26 March 1855.
17. LE PAYS, 22 March 1855.
18. IBID.
19. IBID.
20. GLOBE, 26 March 1855.
21. LE PAYS, 22 March 1855.
22. IBID.
23. GLOBE, 26 March 1855.
24. LE PAYS, 22 March 1855.
25. LE PAYS, 22 March 1855. It is not clear who spoke at this point as TORONTO DAILY LEADER, 28 March 1855 reports: "Sir A. MacNab, (alluding to the reduced qualification said) 'Money is scarce.'" GLOBE, 26 March 1855, however, reports: "Attorney General Macdonald.--Money is--".
26. GLOBE, 26 March 1855.
27. LE PAYS, 22 March 1855.
28. GLOBE, 26 March 1855.
29. Scrapbook Hansard (16 March 1855).
30. GLOBE, 26 March 1855.
31. Scrapbook Hansard (16 March 1855).
32. GLOBE, 26 March 1855.
33. TORONTO DAILY LEADER, 28 March 1855.
34. IBID.
35. GLOBE, 26 March 1855.
36. TORONTO DAILY LEADER, 28 March 1855.
37. GLOBE, 26 March 1855.
38. GLOBE, 26 March 1855. TORONTO DAILY LEADER, 28 March 1855, places the speech of Mr. A. Dorion before that of Mr. Hincks, which differs from the order in GLOBE, 26 March 1855, and LE PAYS, 22 March 1855.
39. LE PAYS, 22 March 1855.

40. GLOBE, 26 March 1855.
41. TORONTO DAILY LEADER, 28 March 1855.
42. GLOBE, 26 March 1855.
43. TORONTO DAILY LEADER, 28 March 1855.
44. GLOBE, 26 March 1855.
45. Scrapbook Hansard (16 March 1855).
46. GLOBE, 26 March 1855.
47. Scrapbook Hansard (16 March 1855).
48. GLOBE, 26 March 1855.
49. Scrapbook Hansard (16 March 1855).
50. GLOBE, 26 March 1855.
51. TORONTO DAILY LEADER, 28 March 1855.
52. GLOBE, 26 March 1855.
53. TORONTO DAILY LEADER, 28 March 1855.
54. GLOBE, 26 March 1855.
55. IBID.
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. IBID.
63. GLOBE, 26 March 1855. The ellipsis represents illegible words.
64. Scrapbook Hansard (16 March 1855).
65. GLOBE, 26 March 1855.
66. IBID.
67. IBID.
68. Scrapbook Hansard (16 March 1855).
69. GLOBE, 26 March 1855.
70. Scrapbook Hansard (16 March 1855).
71. GLOBE, 26 March 1855.
72. Scrapbook Hansard (16 March 1855).
73. GLOBE, 26 March 1855.
74. IBID.
75. Scrapbook Hansard (16 March 1855).
76. GLOBE, 26 March 1855.
77. Scrapbook Hansard (16 March 1855).
78. HAMILTON SPECTATOR, 28 March 1855.
79. Scrapbook Hansard (16 March 1855).
80. IBID.
81. GLOBE, 26 March 1855.
82. IBID.
83. Scrapbook Hansard (16 March 1855).
84. IBID.
85. TORONTO DAILY LEADER, 28 March 1855.
86. GLOBE, 26 March 1855.
87. HAMILTON SPECTATOR, 28 March 1855.
88. GLOBE, 26 March 1855. According to HAMILTON SPECTATOR, 28 March 1855, MORNING CHRONICLE, 20 March 1855, and Scrapbook Hansard (16 March 1855), the members who went to Mr. Spence's county to oppose him were: Mr. Brown, Mr. Freeman, Dr. Rolph, and Mr. Foley. This information differs from GLOBE, 26 March 1855 and TORONTO DAILY LEADER, 28 March 1855 which report Mr. Christie's name in place of Mr. Freeman's name.

89. GLOBE, 26 March 1855.
90. IBID.
91. IBID.
92. IBID.
93. Scrapbook Hansard (16 March 1855).
94. GLOBE, 26 March 1855.
95. IBID.
96. IBID.
97. Scrapbook Hansard (16 March 1855).
98. GLOBE, 26 March 1855.
99. Scrapbook Hansard (16 March 1855).
100. HAMILTON SPECTATOR, 28 March 1855.
101. GLOBE, 26 March 1855.
102. HAMILTON SPECTATOR, 28 March 1855.
103. IBID.
104. IBID.
105. GLOBE, 26 March 1855.
106. Scrapbook Hansard (16 March 1855).
107. GLOBE, 26 March 1855.
108. IBID.
109. IBID.
110. IBID.
111. IBID.
112. IBID.
113. IBID.
114. IBID.
115. IBID.
116. IBID.
117. HAMILTON SPECTATOR, 28 March 1855.
118. GLOBE, 26 March 1855.
119. HAMILTON SPECTATOR, 28 March 1855.
120. IBID.
121. IBID.
122. GLOBE, 26 March 1855.
123. IBID.
124. IBID.
125. IBID.
126. GLOBE, 26 March 1855. The ellipsis represents an illegible word.
127. GLOBE, 26 March 1855.
128. IBID.
129. IBID.
130. Scrapbook Hansard (16 March 1855).
131. TORONTO DAILY LEADER, 28 March 1855.
132. Scrapbook Hansard (16 March 1855).
133. HAMILTON SPECTATOR, 28 March 1855.
134. Scrapbook Hansard (16 March 1855).
135. IBID.
136. IBID.
137. IBID.
138. IBID.
139. HAMILTON SPECTATOR, 28 March 1855.
140. GLOBE, 26 March 1855.
141. HAMILTON SPECTATOR, 28 March 1855.



142. GLOBE, 26 March 1855.
143. HAMILTON SPECTATOR, 28 March 1855.
144. GLOBE, 26 March 1855.
145. HAMILTON SPECTATOR, 28 March 1855.
146. GLOBE, 26 March 1855.
147. HAMILTON SPECTATOR, 28 March 1855.
148. GLOBE, 26 March 1855.
149. HAMILTON SPECTATOR, 28 March 1855.
150. GLOBE, 26 March 1855.
151. HAMILTON SPECTATOR, 28 March 1855.
152. GLOBE, 26 March 1855.
153. MORNING CHRONICLE, 20 March 1855.
154. HAMILTON SPECTATOR, 28 March 1855.
155. HAMILTON SPECTATOR, 28 March 1855. According to HAMILTON SPECTATOR, 28 March 1855, Scrapbook Hansard (16 March 1855), and MORNING CHRONICLE, 20 March 1855, as Mr. At. Gen. J.A. Macdonald and Mr. Cameron left the Chamber, the reporters also left. MORNING CHRONICLE, 20 March 1855 reports the interruption as follows: "Upon going out to learn the cause, we found that a communication had been made to the Speaker that there was likely to be a row, and an attack upon the House, and that several gentlemen from each side of the House had been summoned to act as a Committee of safety. Returning to the House we found Mr. Cauchon making a reply to Mr. Brown, the hon. member was just concluding his remarks". A commentary in TORONTO DAILY LEADER, 23 March 1855, further explains: "A disagreeable rumor has prevailed, during the last few days, to the effect, that an attack upon the Parliament House was meditated by a section of the French Canadian population which sympathizes with the Kamouraska and Saguenay Returning Officers now lying in the Common Jail of this city."
156. HAMILTON SPECTATOR, 28 March 1855.
157. IBID.
158. IBID.
159. IBID.
160. IBID.
161. IBID.
162. IBID.
163. LE PAYS, 20 March 1855, reports that: "Cette discussion ... a duré deux ou trois heures."
164. LE PAYS, 20 March 1855.
165. IBID.
166. IBID.
167. IBID.
168. IBID.
169. Scrapbook Hansard (16 March 1855).
170. IBID.
171. IBID.
172. IBID.
173. GLOBE, 26 March 1855.
174. Telegraph (TORONTO DAILY LEADER, 16 March 1855).
175. GLOBE, 26 March 1855.
176. IBID.
177. IBID.
178. IBID.
179. IBID.

180. IBID.
181. IBID.
182. HAMILTON SPECTATOR, 28 March 1855.
183. LE PAYS, 22 March 1855.
184. IBID.
185. GLOBE, 26 March 1855.
186. LE PAYS, 22 March 1855.
187. GLOBE, 26 March 1855.
188. LE PAYS, 22 March 1855.
189. IBID.
190. IBID.
191. IBID.
192. GLOBE, 26 March 1855.
193. IBID.
194. HAMILTON SPECTATOR, 28 March 1855.
195. GLOBE, 26 March 1855.
196. HAMILTON SPECTATOR, 28 March 1855.
197. GLOBE, 26 March 1855.
198. HAMILTON SPECTATOR, 28 March 1855.
199. IBID.
200. IBID.
201. IBID.
202. Scrapbook Hansard (16 March 1855).
203. LE PAYS, 22 March 1855.

MONDAY, 19 MARCH 1855.

(704)

MR. Speaker laid before the House,--Return from the Registrar of the County of Prince Edward, received in pursuance of the Order of this House of the 14th September last.

For the said Return, see Appendix (Z.)

The following Petitions were severally brought up, and laid on the table:--

By Mr. Bourassa,--The Petition of the Reverend L.E. Lussier and others, of the Parish of St. Valentin, County of St. John's, Censitaires.

By Mr. Charles Daoust,--The Petition of the Reverend A. Toupin and others, of the Parishes of St. Hermas and Ste. Placide, in the District of Montreal.

By Mr. Thomas Fortier,--The Petition of the Reverend L.T. Fortier and others, of the Parish of St. Jean Baptiste de Nicolet; the Petition of the Reverend John Harper, Curé, and others, of the Parish of St. Grégoire, County of Nicolet; and the Petition of the Reverend L.T. Fortier and others, School Commissioners of the Municipality of the Parish of St. Jean Baptiste de Nicolet.

By the Honorable Mr. Chauveau,--The Petition of Messieurs Masson, Thibaudeau and Company, and others, Merchants, of the City of Quebec; the Petition of the Reverend P. Huot, Curé, and others, of the Parish of Ste. Foye, County of Quebec; and the Petition of E.B. Lindsay, Esquire, President, and others, School Commissioners of the Parish of Ste. Foye.

By the Honorable Mr. Hincks,--The Petition of John Hay, Esquire, and others, Electors of the County of Argenteuil.

By Mr. Jean Baptiste Eric Dorion,--The Petition of J.T. Hébert and others, of the Township of Arthabaska.

By Mr. Gamble,--The Petition of Peter Oster and Elizabeth Oster, of the Township of Vaughan.

By Mr. Dionne,--The Petition of Remi Beaubien and others, of Kakouna and other Parishes, in the County of Rimouski.

By Mr. Church,--The Petition of the Municipality of Kitley; the Petition of the Municipality of Oxford, in the County of Grenville; the Petition of the Municipality of the Rear of Yonge and Escott; and the Petition of the Municipality of Wolford.

By Mr. Papin,--The Petition of Thomas Bedard, of the Parish of L'Assomption, in the District of Montreal, Notary.

By Mr. Chapais,--The Petition of the Municipal Council of the County of Kamouraska.

By Mr. Loranger,--The Petition of F. Marchand and others, of the Borough and Parish of St. John's.

By Mr. Solicitor General Ross,--The Petition of the Municipal Council No. 1, of the County of Dorchester.

By Mr. Egan,--The Petition of Charles Symmes and others, of the Village Aylmer, County of Ottawa.

Pursuant to the Order of the day, the following Petitions were read:--

Of H. Hudon, Notary, and others, of Malbaie, in the County of Saguenay; praying for a Breakwater near the Wharf built by the Government at the mouth of the River Malbaie.

Of the Municipality of the Township of Marmora, in the County of Hastings; praying for a Charter to construct a Railroad from some point on the Cobourg and Peterborough Railway to the Marmora Iron Works.

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Of Victoria College of Cobourg; praying for aid to enlarge the said College.

Of Simon Newcomb and others, of the Village of Vienna and vicinity; of William Levy and others, of the Townships of Fullarton and Hibbert; of William Bull and others, of the Township of Logan; of Alexander B. McMillan and others, of the County of Stormont; of Robert Brock and others, of the Township of London; of George Stanton and others; of the Grand Division of the Order of the Sons of Temperance of Canada West; and of Harmony Lodge, No. 1, of the Independent Order of Good Templars of Merrickville in the County of Grenville; praying for the passing of a Prohibitory Liquor Law.

Of the Reverend Z. Sirois and others, of the Township of Montminy and of the Parish of St. Pierre, Rivière du Sud; praying aid to open a Road from the said Township to the Parish of St. Pierre, Rivière du Sud.

Of the Municipal Council of the County of Wentworth; praying for certain amendments to the Act 13 & 14 Vic. cap. 56, sec. 7.

Of the Municipality of the Township of Canboro'; and of the Municipal Council of the United Counties of Huron and Bruce; representing that they are Stockholders in the Buffalo, Brantford, and Goderich Railway Company; and praying for an aid to complete the said Railroad.

Of the Very Reverend Antoine Manseau, V.G., and others, of the County of Joliette; praying that a Registry Office may be established in the Village of [St. Charles de] L'Industrie, in the said County.

Of P. Fortin and others, of the School Municipality of the Parish of Laprairie, in the District of Montreal; praying aid for an Academy in the said Parish.

Of the Very Reverend Antoine Manseau, V.G., and others, of the Village of St. Charles de L'Industrie, County of Joliette; praying aid for a Female Educational Establishment in the said Village.

Of L.A. Dessaulles, Esquire, and others, of the Town and Parish of St. Hyacinthe; praying for certain amendments to the Act 16 Vic. cap. 236.

Of George McGowan and others, of the Parish of St. Constant, in the County of Laprairie; praying for certain amendments to the Seigniorial Tenure Act.

Of Michel Bibaud, of Montreal; praying for aid to enable him to publish the continuation of his Work on the History of Canada.

Of the Institut Canadien of St. Hyacinthe; praying for an aid.

Of the Town Council of the Town of Cobourg; praying that the Bill to incorporate a Company to construct a Railroad from Peterborough to Mud Lake, may not become Law.

Of Messieurs Dyde and Major, Joint Inspector of Pot and Pearl Ashes in the City of Montreal; praying for the passing of an Act constituting it a penal offence in any person not duly qualified and commissioned as required by the Act to regulate the Inspection of Pot and Pearl Ashes, to assume the title of Inspector of Pot and Pearl Ashes, or to exercise any of the functions of that office.

Of Donald Munro and others, of the Township of Hinchinbrooke, in the County of Huntingdon; praying that the Seat of Government may be permanently fixed.

Of George Sandilands and others, of the Township of Hinchinbrooke, in the County of Huntingdon; praying for certain amendments to the Bill to reform the Municipal system of Lower Canada, and to establish County, Parish and Township Municipalities therein.

Of the Reverend J.H. Provençal, Curé, and others of the Parish of St. Césaire, County of Rouville; praying aid to enable them to build a Female Educational Establishment in the said Parish.



Of Soeur Marie St. Maurice Borgel, Superior, and others, Soeurs de la Présentation de Marie, at Ste. Marie de Monnoir; praying for an Act of Incorporation under the name of Soeurs de la Présentation de Marie.

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Of the Montreal Telegraph Company; praying for certain amendments to their Act of incorporation.

Of the Reverend W. Pollard and others, the Ministers and Trustees of the Wesleyan Methodist Congregation at Quebec; praying that the Wesleyan Methodist Cemetery may be exempted from the provisions of the Bill from the Legislative Council to prohibit Interments in certain Burial Grounds in the City of Quebec, now before the House.

Of Patrick Daly of the City of Quebec, Trader; representing that in 1853, he entered into a Contract to supply the Common Goal of Quebec with Potatoes, whereby he incurred a loss of Fifty pounds; and praying relief in the premises.

Of Margaret Doherty of the City of Quebec, Baker; representing that in 1853, she entered into a Contract to supply the Common Goal of Quebec with Bread, whereby she incurred a loss of Three hundred pounds; and praying relief in the premises.

Of Jean Baptiste Etu and others, of the Parish of St. Calixte de Kilkinny, County of Montcalm; and of the Reverend C.A. Loranger and others, of the Parish of Ste. Julienne de Rawdon, County of Montcalm; praying that the Parish of Ste. Julienne may be the chief place of the said County.

Ordered, That the Petition of the Town Council of the Town of Cobourg, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Mr. Hartman, from the Standing Committee on Standing Orders, presented to the House the Twenty-third Report of the said Committee; which was read as followeth:--

Your Committee, on the 7th of November last, reported upon the Petition of John Cameron and others, for the incorporation of a Company to construct a Railway from Port Perry to the line of the Ontario, Simcoe, and Huron Union Railway, that Notice had been published in the County of York only. Since that time the Petitioners have published their Notice for upwards of two months in a Whitby paper, (for the County of Ontario,) thus completing the Notice required by the 62nd Rule.

Mr. Gill, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Lotbinière, informed the House, That Joseph Charles Taché, Esquire, a Member and the Chairman of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee on Saturday last.

Ordered, That Mr. Huot have leave of absence for a fortnight, on account of illness.

Ordered, That Mr. Hartman have leave to bring in a Bill to incorporate a Company to construct a Railway from Port Perry on Lake Scugog to intersect the Ontario, Simcoe, and Huron Union Railway, at some point between Holland Landing and King.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

*Ordered, That Mr. Loranger have leave to bring in a Bill to abolish the right of Retrait Lignager.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

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*Ordered, That Mr. Loranger have leave to bring in a Bill to abolish the publication in Courts of Justice in Lower Canada, of Acts bearing substitutions.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Loranger have leave to bring in a Bill to repeal the Law Emptorem.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Loranger have leave to bring in a Bill to restrict the recuscation of Judges in certain cases.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Loranger have leave to bring in a Bill to modify the Laws with respect to the empannelling of Juries in Civil matters.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Loranger have leave to bring in a Bill to alter the mode of drawing up the Provincial Statutes.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Loranger have leave to bring in a Bill to consolidate the Laws and Regulations with respect to the administration of the property of Fabriques in Lower Canada.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Loranger have leave to bring in a Bill to expedite the proceedings in Suits arising out of Commercial matters.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*On motion of Mr. Rankin, seconded by Mr. Burton,*

*Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, a Schedule containing the names of the Officers and Clerks of the various Public Departments at Head Quarters, with the title or position, the nature of the duties performed, the length of service, and the amount of salary enjoyed by each individual, the period at which that salary was fixed, and the increase, if any,*

which has been made in any case, since the date of their appointments; also, the amount which any of the said Officers or Clerks may have received for extra services from above date to the present time, with a column shewing the total amount received by each individual from the Public Chest within the above dates.

[MR. RANKIN] stated he desired this information because of inequalities which exist in the salaries of officers having equal responsibilities and equally arduous duties. In the contemplated increase of salaries this fault, if it existed should be remedied.<sup>1</sup>

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Ordered, That the said Address be presented to His Excellency the Governor

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General by such Members of this House as are of the Honorable the Executive Council of this Province.

Mr. Loranger moved, seconded by Mr. Pouliot, and the Question being proposed, That Mr. Desaulniers be added to the Special Committee to which was referred the Petition of John Maguire, of the City of Quebec, Police Magistrate; the Petition of Samuel Snell, of the City of London, England, Seaman; the Petition of Jean Dion, of the City of Quebec, Pilot; and the Petition of William Wright and others, of the City of Quebec, in the room of the Honorable Mr. Lemieux;

Mr. Masson moved in amendment to the Question, seconded by Mr. Guévremont, That the name of "Mr. Desaulniers" be left out, and the name of "Mr. Darche" inserted instead thereof;

And the Question being put on the Amendment:--It passed in the Negative.

Then the main Question being put;

Ordered, That Mr. Desaulniers be added to the Special Committee to which was referred the Petition of John Maguire, of the City of Quebec, Police Magistrate; the Petition of Samuel Snell, of the City of London, England, Seaman; the Petition of Jean Dion, of the City of Quebec, Pilot; and the Petition of William Wright and others, of the City of Quebec, in the room of the Honorable Mr. Lemieux.

Ordered, That Mr. Loranger have leave to bring in a Bill to remedy the informalities in the registration of certain Acts made in the Registry Office for Division No. 1, of the County of Huntingdon.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Loranger have leave to bring in a Bill to amend the Judicature Laws with respect to the qualification and appointment of Bailiffs in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of Mr. Powell, seconded by Mr. Sidney Smith,

Resolved, That an humble Address be presented to His Excellency the Governor General, for copies of all official correspondence that may have taken place between the Banks of Montreal and British North America, and the Receiver and Inspector General's Departments, on the subject of the Public Deposits, since the publication of the Report of the Committee on Public Deposits previous to the late adjournment.



Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of the Honorable Sir Allan N. MacNab, seconded by the Honorable Mr. Attorney General Drummond,<sup>2</sup>

Ordered, That the Clerk of this House do forward Copies of the Journals of this House, and of all Papers and Documents printed by Order of the House, to His Excellency the President of the United States, of America, and to the Senate and House of Representatives.

The Order of the House of Friday last, for the attendance of Joseph Charles Taché, Esquire, in his place in this House, this day, being read;--And Mr. Taché not attending in his place;

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Ordered, That the 84th Section of "The Election Petitions Act of 1851" be now read:--And the same being read;

Ordered, That Joseph Charles Taché, Esquire, being one of the Members and Chairman of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Lotbinière, and not having been present within one hour after the time appointed for the meeting of the Committee, on Friday last, and not having attended in his place in this House, this day, be taken into the custody of the Serjeant-at-Arms attending this House, for such neglect of duty.

A Bill to make certain regulations relative to Jurors for the Counties of Wentworth and Halton for the year 1855, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act making certain provisions rendered necessary by the separation of the Counties of Halton and Wentworth."

Ordered, That the Honorable Mr. Attorney General Macdonald do carry the Bill to the Legislative Council, and desire their concurrence.

The bill for relief of merchants, traders, and others, being brought up for its second reading,

MR. CAMERON said he was convinced some measure for the relief of the honest debtor and the protection of creditors from fraudulent debtors was necessary. Now one creditor holding out might prevent the relief of a debtor by all others. Again, a fraudulent debtor, by a collusive confession of judgment, might benefit one creditor at the expense of all others. Another not unfrequent case was where a person gave a young man setting up in business a stock of goods; others on the faith of his possession of such stock; then the first comes in and carries off everything, to satisfy his claim for the first advance.<sup>3</sup> The Bill had been several times postponed at the request of the Attorney General, and he believed there was an understanding that something would be undertaken by the Government on the subject. He would suggest, that if the Law officers of the Crown were not now prepared with a measure, this one should be referred to a Select Committee, on whose report a discussion would arise, and the opinions entertained by members would go to the country, that the general feeling might be ascertained before proceeding with the measure next session. Or perhaps the Government might be disposed to issue a commission for a full enquiry into the sub[j]ect.<sup>4</sup>



MR. AT. GEN. DRUMMOND said the whole subject had engaged the anxious attention of the Government, and they felt that the law of Debtor and Creditor ought to be revised. They were not, however, prepared to introduce a measure this session. At present the law was not the same in Upper as in Lower Canada, and he believed that the advantage was in favor of the latter.<sup>5</sup> The law was more sound on the points alluded to by the hon. and learned member for Toronto, in Lower Canada than in Upper. Here they required some law which would compel two or three obstinate creditors to come into the views of the majority. They needed in the first place some law similar to those existing in several of the United States, not called a bankrupt law, but more in the nature of the *cessio honorum*.<sup>6</sup> The Government would be prepared with a measure next session<sup>7</sup> [and] would give it very careful attention during the recess,<sup>8</sup> although it was not their intention to appoint a Commission, the means of obtaining information otherwise both from gentlemen in the legal profession and from mercantile men, being such that to appoint a Commission would be throwing away money.<sup>9</sup>

MR. SOL. GEN. H. SMITH said no subject was deserving of more careful consideration, and about none did there seem to prevail such strangely contradictory opinions among mercantile men. The Board of Trade and merchants of Montreal had petitioned against it and he believed public opinion generally was against<sup>10</sup> Mr. Alley's Bill<sup>11</sup>. He had recently carefully examined a memorial of the Toronto Board of Trade, which seemed to him generally favorable to that measure.<sup>12</sup> Mr. Cameron's Bill applied only to Upper Canada, but there was a strong objection to passing any Bill of a sectional character, applying only to one section of the Province. (Hear, Hear.) He thought, therefore, the question should be deferred, till they should be able after full consideration to embody some great fixed principles in a measure that would suit the whole Province<sup>13</sup> considering their intimate trade relations<sup>14</sup>. The Bankruptcy Law had never been favourably received in Lower Canada. In Montreal he knew of an extensive firm, made bankrupt, but which had ultimately paid 19s. or 20s. in the pound, showing that there had been no necessity for placing it in bankruptcy. Facts like these tended to make the law unpopular.<sup>15</sup>

MR. BROWN believed that the feeling against the Bankrupt Law had arisen in a great measure from the facility of making a business man a bankrupt under the Bill formerly in operation. But he did not think there was any objection to the general principle of a Bankruptcy Law entertained by mercantile men, except among a particular class<sup>16</sup> from interested motives. A few of the largest mercantile houses in Hamilton and Toronto objected<sup>17</sup> because at present the largest creditor, having the power of getting an assignment, had the debtor completely in his hands, while the smaller creditors suffered for his benefit, and frequently lost every sixpence. The great majority of merchants he believed earnestly desired a Bill which would in the first place protect the creditor against the dishonest debtor, and which would also enable the debtor who found himself in difficulty, to hand over his property for the benefit of all his creditors, and having showed that he had committed no improper act, would enable him to be discharged from legal responsibility. Under the existing system, a man in difficulties, and seeing no way of getting out of them, and fearing to hand over his property without any certainty of a discharge, fought against his difficulties as long as he could, paying ruinous discounts, until, when he was at last brought to a stand, a great part of his property had disappeared. In forming such a measure as was required, they ought not to look merely to

merchants, or any particular class for guidance, but they ought to keep in view the broad interests of society. (Hear, hear.)<sup>18</sup>

MR. CHABOT ... in French,<sup>19</sup> agreed with the last speaker, that the objections offered sprang out of the defects of the old law, not out of the principle of a bankrupt law. Among those he enumerated the lengthened and expensive legal process rendered necessary by it, the enactment which required three fourths of the creditors to consent to a certificate of discharge, and the heavy fees which were heaped upon the estate by the assigners.<sup>20</sup>

On motion of MR. CAMERON, the order for the second reading of the Bill was discharged, on the understanding that the subject would be taken up by the Government.<sup>21</sup>

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*The Order of the day for the second reading of the Bill for the relief of Merchants, Traders, and others, being read;*

*Ordered, That the said Order of the day be discharged.*

*The Order of the day for the second reading of the Bill to authorize the formation of Railroad Corporations, and to regulate the same, being read;*

*Ordered, That the Bill be read a second time on Monday next.*

*The Honorable Mr. Cartier, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General,--Return to an Address from the Legislative Assembly of the 8th instant, for a copy of all correspondence relative to Letters Patent of Papier Terrier of certain Fiefs and Seigniories.*

*For the said Return, see Appendix (E.E.E.)*

*Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 4th December last, praying His Excellency to cause to be laid before the House, a copy of all documents and correspondence between the Post Office Authorities and others respecting the site lately purchased for a Post Office in the City of Hamilton.*

*For the said Return, see Appendix (F.F.F.)*

On motion of MR. S. SMITH<sup>22</sup>,

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*Ordered, That the Return relative to the Post Office site in Hamilton, be referred to the Special Committee appointed for the purpose of investigating all charges preferred against the Members of the late Administration.*

*The Order of the day for the second reading of the Bill to amend an Act passed in the sixteenth year of Her Majesty's Reign, intituled, "An Act to amend and consolidate the several Acts for the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada," being read;*

*Ordered, That the Bill be read a second time on Monday next.*

*The Order of the day for the second reading of the Bill to amend the Act, intituled, "An Act to provide for the better organization of Agricultural Societies in Lower Canada," being read;*

*Ordered, That the Bill be read a second time on Monday next.*

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*The Order of the day being read, for resuming the adjourned Debate upon the Amendment which was, on Wednesday the eighth day of November last, proposed to*

*be made to the proposed Amendment to the Question, That an humble Address be presented to His Excellency the Governor General, representing to His Excellency that, in the opinion of this House, the time has arrived when a different and much more satisfactory arrangement may be made as regards the place of convening Parliament, than at present exists: That the present system of alternate Parliaments is inconsistent with a proper regard to the economical expenditure of public money, uncalled for by the necessities of the country, injurious to the preservation and methodical arrangement of the Public Archives and Library, and productive of great inconvenience and injustice to permanent Officers in the Public Departments; and that the same ought to be changed, and a permanent place selected for the assembling of Parliament, suited, as far as possible, to the convenience of all sections of the Province; and which proposed Amendment was, That all the words after "That" to the end of the Question be left out, and the words "it is inexpedient to interfere with the arrangement in regard to the Seat of Government adopted by this House in 1849, and re-affirmed in 1851" inserted instead thereof; and which Amendment to the said proposed Amendment was, That the words "and that in accordance with that arrangement the Public Departments should be removed to Toronto in 1855" be added at the end thereof;*

*Ordered, That the said Order of the day be postponed until Thursday next, and be then the first Order of the day.*

MR. WHITNEY propose lecture du bill pour permettre à certaines personnes des comtés de Missisquoi est et ouest de pratiquer comme médecins et chirurgiens. Il dit que les noms de ces personnes ont été omis dans la loi d'incorporation de la faculté médicale, et qu'elles pratiquent depuis un grand nombre d'années, quoique n'ayant pas de diplômes à cet effet des autorités médicales du Bas-Canada.<sup>23</sup>

DR. VALOIS s'oppose à la seconde lecture de ce bill parce qu'il veut protéger le public contre des charlatans qui n'ont jamais osé se présenter devant le bureau des examinateurs pour obtenir des diplômes leur permettant de pratiquer comme médecins, et que ce serait établir un très mauvais précédent, si la chambre accordait ainsi à n'importe qui le droit de pratiquer, sans savoir si ces personnes possèdent les connaissances requises; ce serait mettre la vie des citoyens entre les mains des charlatans qui ne peuvent rien faire de bien. Si, comme le dit le membre pour Missisquoi est (M. Whitney), les personnes en faveur desquelles il présente ce bill sont réellement qualifiées à pratiquer comme médecins, pourquoi ne viennent-elles pas subir un examen devant le bureau des examinateurs et obtenir leurs diplômes, au lieu de venir demander à la chambre de les créer médecins, sans que celle-ci sache s'ils sont qualifiés? L'hon. membre pour Missisquoi a dit que leurs noms ont été omis dans l'acte d'incorporation de la faculté médicale, mais cela n'est pas le cas:--leurs noms n'y sont pas insérés parce que ces individus n'avaient pas de diplômes, et parce qu'ils n'ont pas osé se donner comme médecins lors de l'incorporation. En conséquence il propose de renvoyer la seconde lecture de ce bill à six mois<sup>24</sup>.

MR. AT. GEN. DRUMMOND supported the original motion.<sup>25</sup>

After some discussion, in which hon. members belonging to the medical profession chiefly took part, the amendment was negatived<sup>26</sup>.

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*The Order of the day for the second reading of the Bill to amend the Act 14 & 15 Vic. cap. 105, intituled, "An Act to amend the Act incorporating the Members of the Medical Profession in Lower Canada, and to regulate the study and practice of Physic and Surgery therein, to afford relief to certain persons who*



were in practice as Physicians and Surgeons in this Province at the time when the said Act became Law," being read;

Mr. Whitney moved, seconded by Mr. Patrick, and the Question being proposed, That the Bill be now read a second time;

Mr. Valois moved in amendment to the Question, seconded by Mr. Antoine Aimé Dorion, That the word "now" be left out, and the words "this day six months" added at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

## YEAS.

Messieurs Aikins, Blanchet, Bourassa, Brodeur, Bureau, Chauveau, Darche, Desaulniers, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Thomas Fortier, Fournier, Frazer, Guévremont, Holton, Larwill, Lorranger, John S. Macdonald, Roderick McDonald, Mattice, Munro, Papin, Pouliot, Prépost, Rolph, Scatcherd, Sidney Smith, Thibaudeau, Turcotte, Valois, and Wilson.--(33.)

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## NAYS.

Messieurs Alleyn, Bell, Bellingham, Biggar, Burton, Cartier, Casault, Cauchon, Chabot, Chisholm, Church, Clarke, Cook, Crawford, Crysler, Daly, Jean B. Daoust, Delong, Dionne, Attorney General Drummond, Egan, Felton, Ferrie, Gamble, Gill, Gould, Hartman, Hincks, Jackson, Lemieux, Lumsden, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Masson, Matheson, Mongenais, Niles, Patrick, Polette, Poulin, Rankin, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Whitney, Wright, and Yeilding.--(56.)

So it passed in the Negative.

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Then the main Question being put, That the Bill be now read a second time; the House divided:--And it was resolved in the Affirmative.

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

MR. J. DORION (de Drummond) fait motion, que le bill pour légaliser certaines transactions et changer la tenure des terres sauvages dans les townships de Durham, soit lu une seconde fois.

Il explique le but de ce projet de loi. En 1805, il y a 50 ans, le gouvernement accorda 8490 acres de terre à un certain nombre de Sauvages dans le township de Durham. Ces Sauvages n'avaient pas le droit de vendre, de transporter, d'hypothéquer ou de louer ces propriétés quand même. Cependant, ces Sauvages ont tous transporté ces terres et les ont abandonnées. Il n'en reste plus qu'une seule dans la localité. Il y a environ deux cents familles d'établies sur ces terres qui sont toutes défrichées et améliorées considérablement. Les Sauvages ont transporté ces terres au moyen de baux amphithéotiques (*sic*) pour 99 ans. La vente est uniforme pour toutes ces terres; \$10 pour chaque lot de deux cents acres. Ces titres, en vertu desquels les possesseurs actuels possèdent leurs terres, sont plus que douteux, comme on peut le voir, et gênent les transactions, empêchent les améliorations, et entraînent des difficultés sans nombre pour connaître les nombreux héritiers des Sauvages à qui furent originairement concédées ces terres. Il en résulte beaucoup d'inconvénients et de désordres vu leur absence de la localité.

Une requête a été présentée de la part des habitants de ces terres, demandant qu'il leur soit permis de pouvoir racheter leurs rentes et d'en payer le



capital entre les mains du surintendant des Sauvages qui paierait l'intérêt aux Sauvages.

Le projet de loi soumis est pour répondre à cette requête. La loi serait favorable aux deux parties. Tous la désirent et le département des Sauvages, à qui a été soumis ce projet, s'est déclaré favorable à la mesure.<sup>27</sup>

MR. AT. GEN. DRUMMOND confirme ce que M. Dorion vient de dire et déclare que c'est une bonne mesure à laquelle le gouvernement ne s'opposera pas.<sup>28</sup>

MR. FELTON dit qu'il est favorable au principe du bill, mais pense qu'il faudrait donner des terres aux Sauvages en remplacement de celles qui deviendraient libres.<sup>29</sup>

MR. GILL approuve le bill<sup>30</sup>.

(711)

*The Order of the day for the second reading of the Bill to legalize certain transactions and to alter the tenure of Indian Lands in the Township of Durham, being read;*

*The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Jean Baptiste Eric Dorion, the Honorable Mr. Attorney General Drummond, the Honorable Mr. Cauchon, Mr. Gill, and Mr. Papin, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

*The Order of the day for the House again in Committee on the Bill to incorporate the Saint Francis Bank, being read;*

*Ordered, That the said Order of the day be postponed until To-morrow.*

*The Order of the day for the House again in Committee on the Bill to incorporate certain persons under the style and title of the President, Directors and Company of the Fort Erie Canal Company, being read;*

*Ordered, That the said Order of the day be postponed until Monday next.*

*The Order of the day for the House in Committee on the Bill to authorize the County of Middlesex to negotiate a Loan of One hundred thousand pounds, to consolidate the County Debt, being read;*

*Ordered, That the said Order of the day be postponed until Monday next.*

*The Order of the day for the second reading of the Bill to provide for the relief of Bankrupts and the administration of their Estates, being read;*

*Ordered, That the said Order of the day be discharged.*

*The Order of the day for the second reading of the Bill to amend the Act incorporating the Port Burwell Harbour Company, being read;*

*Ordered, That the Bill be read a second time on Wednesday next.*

*The Order of the day for the second reading of the Bill to amend the Act 8 Vic. cap. 49, and to extend the provisions of the same, being read;*

*The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. James Ross, Mr. Gill, the Honorable John Sandfield Macdonald, Mr. Egan, Mr. Roblin, Mr. Crawford, Mr. Stevenson, and Mr. Prévost, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

*The Order of the day for the second reading of the Bill to indemnity (sic) Inspectors and Overseers of Roads in certain cases, being read;*

(712)

*Ordered, That the said Order of the day be discharged.*

MR. LORANGER moved the second reading of the "Bill to continue the Act regulating the Common of Laprairie de la Madeleine."<sup>31</sup> [He] explained that it was merely intended to take away doubts with regard to the legality of certain recent administrative acts of the trustees. The act sought to be continued was created to remain in force to the 1st of January 1854, and to the end of the then next ensuing session. If the meeting in June were a legal session the act had expired; if not this bill was, he admitted, useless; but his constituents desired to have any doubts on the subject removed.<sup>32</sup>

The Bill was allowed to pass a second reading without discussion.<sup>33</sup>

MR. LORANGER then moved that it be referred to a Select Committee, consisting of Messrs. Bureau, Desaulniers, Laberge, Pouliot and the mover.<sup>34</sup>

MR. J.S. MACDONALD (Glengary) said the second reading would not have been allowed, had it been understood that that motion was put. There were many hon. members in this House who could not allow the idea to be entertained for a moment that there was any question whatever as to the sitting of Parliament in June not being a session. He did not think that any constitutional lawyer or any one at all acquainted with Parliamentary law could have the slightest doubt on the subject. It would be most unfortunate therefore if the House should be held to recognize, by the preamble of this Bill, that there were any doubts as to a matter as to which there could be no doubt.<sup>35</sup>

MR. BROWN said he was sure the House had not understood the motion to be put for the second reading, and he hoped his hon. friend opposite would not take advantage of any inadvertency in a matter of this importance. The Government and the House had already declared that the meeting in June was not a session by deciding that notices of applications made for June should apply to the present session. One of the Courts also, he understood, had decided that it was no session. He hoped, therefore, that the resolution for the second reading would be rescinded, for the House was thereby made to affirm a principle which could not for a moment be maintained. Suppose that some years hence, some question of law turned on the point whether the June meeting was or was not a session. One party would contend it was not, but another could point to the preamble of this Bill and declare that it had been passed in consequence of the June meeting being held as a session. If the matter could not be got over otherwise, the House would have to throw out the Bill on the third reading.<sup>36</sup>

MR. SOL. GEN. D. ROSS said he would be surprised if the House could entertain any doubt on the point whether or not the meeting in June constituted a session. The second reading had been allowed by a mistake, and he hoped his learned friend would not press the Bill further.<sup>37</sup>

MR. SOL. GEN. H. SMITH, for his own part, thought it was no session, but could see no harm in letting the Bill go to the Committee, who would take that question fully into consideration.<sup>38</sup>

MR. CAMERON was surprised that the Government should not take up the ground at once that it was no session, and stop the further progress of the Bill. But, if there were any doubts, the Committee on Expiring Bills would provide means for legalizing this and a great many other similar measures.<sup>39</sup>

MR. LORANGER then withdrew his motion, the resolution for the second reading was rescinded, and the order itself was discharged.<sup>40</sup>

(712)

*The Order of the day for the second reading of the Bill to continue an Act, intituled, "An Act for better regulating the Common of the Seignior of Laprairie de la Madeleine," being read;*

*Ordered, That the said Order of the day be discharged.*

On motion of MR. CHABOT, the Bill to incorporate L'Hospice de St. Joseph de la Maternité de Québec was read a second time. [He]... then moved that the Bill be referred to the Committee on Private Bills.<sup>41</sup>

MR. BROWN, who had entered the House the moment after the second reading of the Bill was declared, said he had the same objections to this, as to all others which gave chartered rights to sectarian institutions, in the control and benefits of which all classes of the community could not equally share. It was greatly to be regretted that christians of all sects could not even act together in benevolent enterprises. He found also that the Corporation was to be allowed to hold real estate to no less an amount than £1,000, per annum. He looked upon this of itself as a serious objection to the Bill, and should take the opportunity, at a future stage, of recording his vote against it.<sup>42</sup>

The motion was then agreed to.<sup>43</sup>

(712)

*The Order of the day for the second reading of the Bill to incorporate L'Hospice de St. Joseph de la Maternité de Québec, being read;*

*The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.*

*The House, according to Order, resolved itself into a Committee on the Bill from the Legislative Council, intituled, "An Act to incorporate the Lyn Manufacturing Company;" and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Patrick reported, That the Committee had gone through the Bill, and made Amendments thereunto.*

*Ordered, That the Report be now received.*

*Mr. Patrick reported the Bill accordingly; and the Amendments were read, as follow:--*

*Page 1, line 52. Leave out the words "above described, as being."*

*Page 1, line 53. Leave out from "including" to "or" in Page 2, line 7, and insert "all hereditaments belonging thereto."*

*Page 2, line 11. Leave out "or" and insert "and to purchase and temporarily to hold until they can conveniently dispose thereof."*

*Page 2, line 26. Leave out from "Paper" to the end of the Clause.*

*Page 2, line 42. Leave out from "each" to the end of the Clause.*

*Page 2, line 45. Leave out from "said" to "may" in line 46, and insert "Company."*

*Page 3, line 19. Leave out from "said" to "to" in line 20, and insert "Company."*

*Page 4, line 21. After "Brockville" insert Clauses (A.) (B.) (C.) (D.) (E.) (F.) (G.) (H.) and (I.)*

*Clause (A.) "The Stock of the said Corporation shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the By-Laws of the Corporation; but no share shall be transferable until all*



previous calls thereon have been fully paid and satisfied, or the said share shall have been declared forfeited for non-payment of the calls thereon; and the consent in writing of the majority of the Directors shall be in all cases necessary to render valid the transfer of any share or shares made before such shares shall have been paid up in full: And it shall not be lawful for the Corporation to use any of its funds in the purchase of any stock of any other Corporation."

Clause (B.) "The Corporation shall not lend any of its money to any of its Stockholders, and if any such loan of money shall be made to a Stockholder, the Directors who shall make or assent to such loan shall be jointly and severally liable to the extent of the said loan, and interest thereon, to any creditor of the said Corporation, for any debt contracted before the repayment of the money so loaned."

Clause (C.) "The Directors of the Corporation shall be jointly and severally liable for all debts contracted by them during their term of Office as such Directors, due and owing to their laborers, servants, and apprentices, for services performed by them for the Corporation: Provided that no Director shall be liable for any such debt not payable within one year from the date of contracting it, or for the recovery whereof no action shall have been brought within one year from such date."

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Clause (D.) "Each Stockholder of the said Corporation shall be severally and individually liable to the creditors thereof to an amount equal to the amount of the stock held by him, for all debts and contracts made by such Corporation, until the whole amount of the stock held by such Stockholder shall have been paid in."

Clause (E.) "A majority of the President and Directors shall, on or before the twentieth day of January in each year, prepare and attest, before a Judge of any Court in this Province, a certificate stating the amount of the capital actually paid in, the amount of the existing debts, and the amount of the assets of the Corporation; which certificate shall be inserted in the Newspaper published nearest to the chief place of the business of the Company."

Clause (F.) "If the President and Directors shall declare or pay any dividend when the Corporation is insolvent, or which would, if paid, render it insolvent, or which would diminish the amount of its Capital Stock, they shall be jointly and severally individually liable for all debts of the Company then existing, or which may be contracted while they remain in office; provided that any Director shall be exempt from such liability by filing with the Secretary of the Company a written statement protesting against declaring or paying such dividend, and if present when any such dividend shall be declared by voting against the same; provided such protest be published within two weeks in some Newspaper published in the County of Leeds."

Clause (G.) "If the indebtedness of the Corporation shall at any time exceed the amount of its Capital Stock, the Directors shall be jointly and severally individually liable to any creditor of the Corporation for any debts thereof to the amount of such excess of indebtedness."

Clause (H.) "If any certificate or affidavit made by the President and Directors of the Corporation under the provisions of this Act, be false in any material representation, the said President and Directors making the same, knowing it to be false, shall be jointly and severally liable for all the debts of the Corporation contracted while they are Directors thereof."



Clause (I.) "The Company may establish Agencies in Great Britain or the United States, provided the majority of its Directors are British subjects."

In the Preamble, line 2. Leave out from "younger" to "and" in 21st line, and insert "have by their Petition prayed, that a Company be formed for the purpose of carrying on the manufacture of Leather, sawing Lumber, and Milling."

Ordered, That the said Amendments be taken into consideration on Thursday next.

Ordered, That the Bill, as amended, be printed for the use of the Members of this House.

The Order of the day for the second reading of the Bill to establish a Circuit Court in and for the County of Huntingdon, and part of the County of Chateauguay, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Somerville, the Honorable Mr. Attorney General Drummond, Mr. Felton, Mr. Polette, Mr. Antoine Aimé Dorion, and Mr. Bellingham, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill to amend the Act for the encouragement of Building Societies in Lower Canada, being read;

The Bill was accordingly read a second time; and referred to the Select Committee to which was referred the Bill to amend the Acts relating to Building Societies.

The Order of the day for the second reading of the Bill to increase the

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number of Sittings of the Courts of Justice within the District of St. Francis, and make a more convenient arrangement thereof, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Felton, the Honorable Mr. Attorney General Drummond, Mr. Terrill, Mr. Galt, and Mr. Sanborn, to report thereon with all convenient speed; with power to send for persons, papers, and records.

MR. BROWN moved that the order for the second reading of the Bill to relieve public employees from Sunday labour be discharged, and that the said Bill be read a second time on Monday next, and be then the first order of the day.<sup>44</sup>

MR. LORANGER.--Fix it for Sunday! (Order!)<sup>45</sup>

The motion was then agreed to.<sup>46</sup>

(714)

The Order of the day for the second reading of the Bill to protect the Employés of the Government of this Province, in certain Departments of the Public Service, from being compelled to labor on the Lord's Day, being read;

Ordered, That the Bill be read a second time on Monday next, and be then the first Order of the day.

The Order of the day for the second reading of the Bill to abolish the Rectories, being read:

MR. CAMERON.--Hear! hear!<sup>47</sup>

MR. BROWN said his hon. friend, the member for Toronto, was desirous of having a field-day for the discussion of this subject, and as it would be

necessary to have a whole day to it, he would move that the second reading of the Bill be made the first order of the day for Wednesday the 28th inst which was an open day.<sup>48</sup>

(714)

*Ordered, That the Bill be read a second time on Wednesday the twenty-eighth instant, and be then the first Order of the day.*

MR. BROWN moved the second reading of the "Bill to secure the more convenient assembling of Parliament." He said that very little argument would be necessary to recommend this motion to the adoption of the House. It was only necessary to look back at the irregularity that had existed in this matter since the Union, to convince hon. members that it was absolutely necessary to fix by Statute the time for assembling of Parliament. In looking over the journals of the House, and observing the irregularity which had prevailed, it seemed almost inconceivable how the House and the country could have submitted to such a state of things for so long a time. During the last eleven years there had been nine sessions of Parliament, and it was a singular fact that these nine sessions had been called together in eight different months of the year. (Hear, hear.) In 1844, Parliament met on the 28th November; in 1845 there was no Parliament at all; in 1846 it met on the 20th March; in 1847 on the 2nd June; in 1848 on the 25th February; in 1849 on the 18th January; in 1850 on the 14th May; in 1851 on the 20th May; in 1852 on the 19th August; in 1853, no session; in 1854, on the 5th September; and in 1855 there would probably be no session. It thus appeared that there had only been two sessions since the Union that commenced in the same month, namely, May, in 1850 and 1851; and surely it was almost unnecessary to say a word in illustration of the evils of such a system. Persons who had business before Parliament were put to great inconvenience, never knowing when Parliament would meet. And how inconvenient was the present system to the members themselves. A person becoming a member of Parliament never could tell at what season he would be taken away from his business, and this inconvenience was made all the greater by the length to which the sessions now unavoidably extended. Above all the irregularity in the assembling of Parliament prevented that careful watch over the expenditure of the public money which was absolutely necessary under a Government such as this. (Hear, hear.) When Parliament met in the middle of the year and even as late as the fall, the assembly was placed in the absurd position of having to vote the supplies, months after the money had been spent. (Hear, hear.) The Executive in this way were left to administer the public affairs, without the House being able to exercise over their proceedings any salutary effect.<sup>49</sup> They were deprived of any proper check upon the public expenditure but were compelled to vote the supplies whether they would or no.<sup>50</sup>

MR. PRES. EX. COUN. MACNAB.--When do you propose the House should meet?<sup>51</sup>

MR. BROWN said he would come to that presently. It was not left to him to determine that point, the House of Assembly having decided it already. (Hear, hear.) He thought the time had now arrived when the public convenience, the convenience of members of this House, the security for a proper expenditure of the public money, and every consideration that could actuate members of this House, called for an Act to fix by law the period for the meeting of Parliament. (Hear, hear.) The proposition was so clearly reasonable and desirable, that it was hard to see how any one could object to it. But still there were objections--he had heard them all ten times repeated in as many years, he had little doubt they would be repeated to-night, and would therefore very briefly refer to

them. The first objection that was raised to a Bill for fixing the meeting of Parliament was, that it was unconstitutional. It was said that the summoning of Parliament was part of the prerogative of the Crown, and the Legislature had no right to fix it by law. He apprehended however there was no force in any such argument; if the Crown chose to yield its prerogative, and no Act could be passed without the consent of the three branches of the Legislature, he fancied the House need have no objection. It would then cease to be a prerogative of the Crown as many other useless prerogatives had ceased to exist; and was this really a prerogative which the Crown was in the slightest degree interested in maintaining? Could it be of the smallest importance to the Governor General or the Sovereign he represented, at what time our meetings of Parliament commenced? (Hear, hear.) But, to remove all objection on that score, his Bill was especially framed so as to protect the Royal Prerogative; it provided that nothing contained in it should limit the right of the Governor General to call Parliament at any time he chose. The constitutional Act provided that the people of Canada should be entitled to a session once a year, and this Bill went to fix the particular season, at which that session should commence. The power of the Executive to call Parliament together whenever it pleased was not in the slightest degree interfered with. That objection, therefore, as to the prerogative of the Crown, might be held to have no validity. (Hear, hear.) But, there was another objection. It was said that such a thing was not known in England as fixing the Assembling of Parliament by a special Act. But the answer to this was that in England such a thing had never been found necessary. (Hear, hear.) The force of public opinion and the sense of obligation on the part of public men to the public interest were so strong in England that there never had been any necessity for it. Looking over the journals of the House of Commons it will be found that for the last 20 years, with one or two exceptions, Parliament had always met within a week of the same period, viz, the first week of February, and the only exceptions to this rule were when in some pressing exigency Parliament had been called together earlier. (Hear, hear.) It had never been the case there as here, that the Government had taken upon themselves to postpone the calling of Parliament week after week, and month after month to suit their own convenience. Had a tithe of the irregularity we have endured happened in England, the evil would have drawn down indignant rebuke, and an annual Session have been secured to the people at a fixed period. (Hear, hear.) The necessity for this measure was further illustrated by the history of what took place when he (Mr. Brown) introduced a similar measure in 1852. On that occasion the then Government objected to this proceeding by Bill, but said that if he put it in the shape of an address to the Crown, asking the Government to pledge themselves to call Parliament together at a particular season of the year, they had no doubt the Governor General would assent to the proposition, and the Cabinet would certainly respond to it. He (Mr. B.) agreed to take that course, and introduced resolutions on which to found an address to the Crown. In Committee of the whole he ascertained by a vote of the House that the general feeling was in favour of the first week of February. The address was framed accordingly, and, having been presented to the Governor with all due formality, His Excellency assured the House that their address would be paid respect to and that Parliament would be assembled at the time named. (Hear, hear.) But what was the result? On the very first occasion thereafter that the Government had an opportunity of carrying out their pledge, instead of assembling Parliament in February 1854, they, for their own convenience, put it off from February to March, from March to April, from April to May, and from May to June, and even



then they only kept them together for a few days, and it was not till September that a Session actually commenced. (Hear, hear.) It was clearly necessary then for the interest of the country, for the convenience of members, and for the proper management of the public business, that the present system should cease; and that it should no longer depend on mere contingencies, but that people should know exactly when their representatives were to assemble to attend to the affairs of the country. (Hear, hear.) He had inserted in the Bill the first Thursday of February, being the day fixed upon by the last Parliament; but he was quite willing in Committee to alter it to any other day that might suit the convenience of hon. members. The hon. gentleman then concluded by reading the Bill, which was very brief, as follows:

"Whereas it is expedient that an Annual Meeting of Parliament, at a fixed period of the year, should be secured by Legislative enactment: Be it therefore enacted, &c., that--

I. It shall be lawful for the Governor of this Province by Proclamation under the Great Seal thereof, to convoke the Provincial Parliament for the despatch of business on the first Thursday of the month of February in each and every year: Provided always, that nothing herein contained shall have the effect of limiting the undoubted right of the Governor to call Parliament together for the despatch of business at any extra Session during the year.

II. The Public Accounts and Estimates of monies required for the Public Service, and such Annual Reports from the Heads of Public Departments as may by law or usage be laid before Parliament, shall be so presented on or before the fortieth day in each Session."<sup>52</sup>

MR. PRES. EX. COUN. MACNAB said he perfectly agreed with all that the hon. gentleman had said as to the convenience of Parliament assembling at a regular time, but when he stated that it was the intention of the Government to assemble Parliament in February of every year, he hoped the motion would not be pressed.<sup>53</sup>

MR. BROWN had no reason to doubt the sincerity of the hon. Premier in making that declaration, but the carrying it out was liable to so many contingencies that he thought it was due to the people of the country that the matter should be fixed by Act of Parliament.<sup>54</sup>

MR. PRES. EX. COUN. MACNAB said that he and his colleagues were not answerable for derelictions of duty on the part of previous Administrations, and since the hon. gentleman would not accept his assurance that it was the intention of the present Government that the House should always meet in February, it now became his duty to move in amendment, that the Bill be read a second time this day six months.<sup>55</sup> There was then no necessity for passing such a bill, to restrain the prerogative in a manner never done in England.<sup>56</sup>

MR. GOULD hoped the House would sustain the hon. member for Lambton, and have the time for the calling of Parliament fixed. Previous Governments had made the same pledge as that now given by the gallant knight, but they all knew what the result had been. The gallant knight no doubt was sincere in his declaration, but who could have any certainty that he would be at the head of the Government next February, so as to have an opportunity of carrying out his pledges. (Hear, hear.) He (Mr. G.) would be willing to go further than the hon. member for Lambton in his present Bill, and have a time fixed for holding general elections, and provide that all the elections throughout the Province should be held on one day.<sup>57</sup>



MR. POST. GEN. SPENCE thought the member for Lambton should be the last man to introduce a Bill of this sort, after what they had heard from him the other night by way of deprecation of the rapid movements they were making towards written constitutions and the American system of Government generally.<sup>58</sup> [He] was surprised, after all they had heard from the hon. member for Lambton, about the beauties of the British constitution and all his horror of interfering with it, or introducing American institutions in its place, that he was now proposing such an infringement of that constitution, and the introduction of so prominent a feature of the written constitution of the United States.<sup>59</sup> The hon. gentleman must know that it was the prerogative of the Crown to prorogue Parliaments and to call Parliaments, and after the solemn warning he gave the House as to the rapidity with which we were tending towards foreign institutions, he should have been the last to make a motion of this sort especially after the assurance he had received of the disposition of the present Government to give effect in this matter to the wishes of Parliament.<sup>60</sup> If by the power of the people over ministers responsible to them [t]hey could enforce in practice what the bill sought to enact, legislation on the point was unnecessary. That could be done, and therefore this attempt on the constitution should be dropped, or rejected by the House.<sup>61</sup> An hon. member had said that perhaps by next February the gallant knight would not be at the head of the Government, but, supposing that the gallant knight ceased to occupy his present position, and the hon. member for Lambton was called upon to form a Government certainly he would be as willing as the gallant knight could be, to attend to the wishes of the House. He was surprised that the hon. member for Lambton, who of all others was in the habit of raising his finger portentously, and warning the House of our progress towards American Institutions, that he of all others by a Bill of this sort should seek to deprive the crown of an ancient prerogative.<sup>62</sup>

MR. ROBLIN would vote against the Bill because he considered the Government should be entrusted with the responsibility of conducting the affairs of the country, in the way they considered best. And, if not ready to meet Parliament on a particular day, he could not see what harm would result from postponing it till such a period as they considered best for the in[t]erests of the country.<sup>63</sup>

MR. MERRITT voudrait que quelqu'un donnât une raison plausible contre la motion du membre pour Lambton, car il est certain que tout le pays est en faveur de cette mesure.<sup>64</sup> As to the prerogative of the Crown, which it was alleged was concerned, the Crown gained nothing by retaining it.<sup>65</sup> The argument used by the last gentleman who spoke [was that] Responsible Government had failed before to carry out the wishes of the country, and would do so again. If the Bill carried, public business would be greatly facilitated, and he should therefore ... support it with all his heart. (Hear, hear.)<sup>66</sup>

DR. ROLPH said he would give his decided support to the measure of the hon. member for Lambton. The hon. Postmaster General said that it would infringe on the prerogative of the Crown.<sup>67</sup> Il ne trouve pas que l'argument que la réunion du parlement est de la prérogative de la couronne soit suffisant pour faire rejeter ce bill, car il est fort indifférent pour la couronne que le parlement se réunisse ce février ou ce mars.<sup>68</sup> Did not the Postmaster General just as much infringe on the prerogative of the Crown by introducing the elective principle into the Legislative Council? (Hear, hear.) What higher prerogative could the Crown possess, than the power of appointing the "lords," the members of the Upper House, and yet the Government proposed that that should be done away with by Act of Parliament. (Hear, hear.) The appointment of Magistrates also was part of the Royal prerogative, and this also has been infringed upon by

Act of Parliament, in declaring that Reeves, &c., elected by the people should be Justices of the Peace. But in truth the present Bill did not take away the Royal prerogative at all. It merely said that Parliament should meet in February, but expressly provided that the Royal prerogative of summoning the House at any other time should remain intact. (Hear, hear.) And at all events he felt he was quite safe, so far as that was concerned, in supporting a measure introduced by that great stickler for prerogative, the hon. member for Lambton. (Hear, hear.)<sup>69</sup>

MR. INSP. GEN. CAYLEY admitted it to be in the highest degree desirable that it should be well understood by the whole country on what day of each year Parliament should meet. He did not think it practicable, however, to fix a day in the meantime. The public accounts could not be got ready by the time fixed by the hon. member for Lambton. Every exertion had been made since the close of the year, and a number of extra clerks had been employed, but even yet the public accounts of the last were not ready to be brought down, and of course the estimates for the present year could not well be made up, until it was shown what had been done with the public money in the last.<sup>70</sup> Si les chambres se réunissaient chaque année au commencement, le gouvernement serait toujours en arrière d'une année pour les comptes publics.<sup>71</sup> In all probability this session would be closed within six or eight weeks, and as the Government were bound to call another within a year of the expiring of the preceding one, the utmost limit to which they could postpone the calling of next session would be the month of May 1856. He thought the convenience of the House and of the public would be best consulted by the matter being left in the hands of the Government.<sup>72</sup>

MR. SOL. GEN. D. ROSS said that the Bill would fetter the Governor's power of dissolution, as well as his power of assembling Parliament. Supposing he wished to dissolve Parliament in January, it would be impossible in that case to call it again in February, so that either the Governor's power of dissolution or the principle laid down in this Bill would have to yield.<sup>73</sup>

MR. J.S. MACDONALD (Glengary) said it had been his opinion for many years that the Executive should be entrusted with the responsibility of calling Parliament together at whatever time they should consider best for the public service. But when he found that what was called Responsible Government had been violated--when they found a Government solemnly promising that Parliament would meet in February, and yet on the flimsy pretence of the absence of the Governor General in England, not call it till June--and then violating the Constitution by advising the Governor to prorogue Parliament without there having been a session in the year as required by law--when he saw Responsible Government in this way made a handle of to violate the Constitution, he thought it was time that the period of assembling should be fixed by law. The Government of the day might no doubt intend to do what was right, but they might not find it convenient. The Inspector General had spoken of the difficulty of bringing down the public accounts, if Parliament met in February, but if such a difficulty existed, what could be easier than to alter the termination of the fiscal year? (Hear, hear.) There could be no doubt that public opinion was strongly fixed on this point.<sup>74</sup> It was far better to have the period fixed by law than to leave it to chance.<sup>75</sup> On parle de la responsabilité des ministres; mais où est-elle? Il n'y a pas un seul membre de l'administration précédente qui fasse partie de l'administration actuelle, et comment la chambre peut-elle censurer le ministère pour n'avoir pas réuni les chambres en février, puisqu'il n'est plus au pouvoir, et puisque le ministère actuel se défend de toute responsabilité de ses actes?<sup>76</sup>

MR. SOL. GEN. H. SMITH asked if the hon. member for Glengary had not come over to him, and spoken in private in a manner different from that in which he had now addressed the House? (Order.)<sup>77</sup>

MR. J.S. MACDONALD, (Glengary).--What he had said was that it was only after great hesitation that he could vote for the bill<sup>78</sup>. He had already stated that he would prefer a matter of this sort to be left in the hands of the Government, if there could be any certainty that they would not abuse the power so entrusted to them<sup>79</sup>, but he had not said he was opposed to it<sup>80</sup>. It was quite true that, when the Solicitor General informed him that the Government would promise to call Parliament in February, he said he was satisfied, and he accordingly urged his hon. friend from Lambton to withdraw his bill. This he refused to do, and on full consideration of the matter, as the motion was going to be made, he (Mr. M.) felt that he could not do otherwise than support it. (Hear, hear.) But the House would judge of the conduct of the Solicitor General in disclosing to the House a private conversation. (Loud cries of hear, hear! and shame! shame!) Hon. members would be very cautious in future as to whom they spoke to. (Hear, hear.)<sup>81</sup>

MR. SOL. GEN. H. SMITH denied that he had disclosed any conversation. He had simply asked the hon. member whether he had not come over and spoke to him.<sup>82</sup> He did not invite the hon. gentleman to say anything, and to the best of his belief the hon. member was really in his heart opposed to it as he said.<sup>83</sup> [Il] s'oppose au bill parce qu'en fixant la réunion du parlement par une loi, on peut forcer le gouvernement à faire une session extra, si ses mesures ne sont pas prêtes alors.<sup>84</sup> It was true that heretofore there had been no certainty as to the time for the meeting of Parliament, and for his own part he believed it would be most conducive to the public good to have it assemble in February, but when the Government said they were prepared to call it then, he thought the House should be satisfied.<sup>85</sup> He did not believe the interests of the country had suffered by the delays.<sup>86</sup>

MR. A. DORION (Montreal), in French,<sup>87</sup> thought that would be very well if Government had not already deceived the House and the country by breaking a pledge solemnly given, since everybody knew that a similar bill introduced in 1852 was only withdrawn upon such a pledge being given.<sup>88</sup> Cela montre la nécessité de fixer par une loi l'époque où les chambres devront être convoquées. On dit que ce serait restreindre les prérogatives de la couronne;--mais cette prérogative est déjà restreinte par l'acte d'Union, qui dit que les chambres devront être réunies tous les ans, et il ne voit pas ce que la couronne souffrirait si le parlement se réunissait à époques fixes. On objecte que les comptes publics ne pourraient être préparés;--mais il ne serait pas difficile de changer le terme de l'année fiscale et de la faire finir au 31 novembre, par exemple. Cela donnerait au gouvernement le tems de préparer tous les comptes, et ce serait beaucoup plus commode. Cette objection ne vaut donc absolument rien. En Angleterre le gouvernement ne dépense pas l'argent public sans autorisation des chambres, et il est obligé de demander des subsides au commencement de chaque année;--c'est la raison pour laquelle les chambres sont toujours convoquées au commencement de février, et qu'on n'a pas éprouvé comme ici la nécessité de fixer cette convocation par une loi. La prérogative de la couronne n'est donc d'aucun poids, et ne doit pas nous arrêter lorsqu'il s'agit d'adopter une bonne mesure.<sup>89</sup>

MR. DEWITT se prononce fortement en faveur du bill, et il est surpris que le gouvernement y soit opposé, parce que c'est une mesure demandée par le peuple,



qui a le droit de savoir quand ses mandataires seront appelés à remplir les devoirs dont ils sont chargés, comme cela se fait aux États-Unis. Avec le système actuel, ce n'est pas le gouvernement qui est responsable au peuple, mais c'était le peuple qui est responsable au gouvernement, puisque celui-ci peut passer deux ou trois ans sans convoquer les chambres, en éludant la loi. (Écoutez, écoutez!) C'est pour le peuple que les représentants travaillent, et non pas pour les ministres, et par conséquent ils ont droit de savoir à quelle époque ils doivent s'assembler. Avec le système actuel, la chambre est entièrement à la merci des caprices des ministres, et c'est une véritable dictature de la part du gouvernement, contre laquelle il proteste et à laquelle le peuple ne doit pas se soumettre. Il faut de toute nécessité que la loi fixe la réunion du parlement, et par conséquent il votera pour le bill.<sup>90</sup>

MR. FERRIE replied to the argument of the Inspector General about not having the public accounts ready. That could be got over by making the financial year close a month earlier, or by so altering the bill in Committee as to make the date of assembling a month later. The important thing was to secure regularity.<sup>91</sup>

MR. J. DORION (de Drummond) est décidément en faveur du bill, car il y voit quelque chose de mieux que dans le système actuel. Il n'y a rien de fixe, de stable, d'arrêté dans le système actuel, et si le temps d'assembler le Parlement était fixé par la loi, tout irait mieux. Rien n'empêche les comptes publics d'être présentés alors; les rapports des institutions publiques pourraient être soumis; les habitants du pays pourraient préparer et envoyer leurs requêtes; les ministres se prépareraient ainsi que les membres [de] la chambre et tout le monde y trouverait de l'avantage.

On nous dit que ce bill est opposé au principe du gouvernement responsable, mais c'est tout le contraire. Il n'en demande que la pratique. Non, ce n'est pas le gouvernement responsable qui s'oppose au principe de ce bill, mais c'est le mauvais vouloir des ministres, le besoin d'intriguer continuellement.

L'expérience des dernières années nous a fait sentir le besoin d'une semblable mesure. Les neufs dernières sessions du Parlement ont été convoquées dans huit différents mois de l'année: une fois en janvier, l'autre en mars, puis en juin et ainsi de suite.

On est lassé du système actuel. Si on consultait l'opinion publique sur ce sujet, on verrait que le peuple est en faveur du bill d'un bout à l'autre du pays.

Il y a longtemps qu'il est en faveur de ce principe et il votera avec plaisir pour le bill.<sup>92</sup>

MR. LORANGER se prononce contre le bill parce que cette question fait partie de la prérogative de la couronne et parce qu'il faut donner au gouvernement le temps de se préparer avant de venir devant les chambres. Il trouve cette mesure inopportune, parce qu'avant de fixer le tems où le parlement se réunira, il fait (sic) d'abord fixer l'endroit où il se réunira, et comme il n'y a encore aucune bâtisse, soit à Montréal, soit à Toronto, à Kingston ou à Bytown, propre à recevoir les chambres, il est inutile de fixer aujourd'hui l'époque de leur réunion, parce qu'on ne pourrait peut-être pas les réunir faute de local.<sup>93</sup>

MR. SANBORN said the argument that the place was not fixed, was as good an argument against Parliaments altogether as against this bill. Pledges to assemble Parliament at a fixed period had been three times given and broken, and this breaking of promise tended greatly to destroy the late ministry. What greater



assurance could the present Ministry give? Could they give any assurance that they would remain in their place?<sup>94</sup> Les ministres actuels ont déjà donné leur sanction à une mesure semblable à celle-ci, et ce n'est que sur la promesse formelle du gouvernement d'alors que la mesure a été retirée--il est vrai qu'alors ils étaient dans l'opposition et qu'ils sont aujourd'hui au pouvoir, ce qui change beaucoup les circonstances et les opinions. (Rires. Écoutez! Écoutez!)<sup>95</sup> It was this failure to keep this promise, which made it imperative on the House to determine this question in a more solemn manner.<sup>96</sup> He hoped the House would be more prudent than to rest on any such pledge, when they had the matter in their own hands, and could put it beyond dispute by passing the bill of the hon. member for Lambton.<sup>97</sup>

MR. POWELL said he should vote for the amendment of the gallant knight, believing that under a system of Responsible Government, a matter of this sort should be left in the hands of the administration of the day.<sup>98</sup> [He] thought the promoters of the bill<sup>[1]</sup> were actuated by party motives and a desire for the ministerial benches.<sup>99</sup>

MR. AT. GEN. J.A. MACDONALD expressed his surprise that this bill should be introduced by the hon. member for Lambton, who professed so much to admire the elasticity of the English Constitution to the rigidity of the American. The next step would be to fix when Parliament should rise, and then Responsible Government would be at an end.<sup>100</sup> If the time of meeting was fixed the time of ending must be fixed also; and after all unless special sessions were prohibited nothing would be effected by the bill, for at the regular sessions the House would meet only to be prorogued, and special sessions would be held to transact the business.<sup>101</sup> As a stickler for the British Constitution, and for the connection of this Province with Great Britain, and as a strong opponent of annexation or anything like the adoption of United States principles or practices, the hon. member for Lambton ought if consistent, to be opposed to a measure of this sort.<sup>102</sup> He believed the member for Lambton was once opposed to this measure<sup>103</sup>. But there was a question of order involved, whether it was competent for the House to pass a bill like this, or whether, if they did pass it, it was not so much waste paper. The present Mr. Justice Morin, when Speaker, decided that such a measure was beyond the jurisdiction of this honorable House, and any one who read the Union Act would find that it specially reserved to the Crown the power of summoning Parliament at any time it chose.<sup>104</sup>

MR. BROWN.--All that is reserved by this bill.<sup>105</sup>

MR. AT. GEN. J.A. MACDONALD was nevertheless of opinion that to pass this bill would be in violation of the Imperial statute, under which alone this House could assemble, for by that act full power was given to the Governor to fix both the time and the place of the meeting of Parliament. A motion having been made in a previous Parliament for leave to introduce a bill to fix the time for the meeting of Parliament and for other purposes, Mr. Speaker Morin, as he had said declined to receive it, because it was not in order, and his decision was sustained by the House by a vote of 37 to 21.<sup>106</sup>

MR. BROWN.--It was a different bill altogether, and Mr. Boulton, Mr. Sherwood, and others of the best lawyers in the House, held the decision of the Speaker to be quite wrong.<sup>107</sup>

MR. AT. GEN. J.A. MACDONALD said the honourable gentleman contended that his bill did not in any way curtail the prerogatives of the Crown. If that were the

case, it could be of no value, but would leave matters as they were. He thought the pledge given by the leader of the administration to have the House assembled in February should be sufficient. Where, he asked, in the history of England, or any other country, had such promises been made, and not been fulfilled? (Ironical cries of hear, hear.) It was in the power of the House to insist on the fulfilment of the pledges of the administration, or in the event of failure to turn them out of office. He hoped the House would not permit the constitution to be altered in this way. It might be that the American system was better, although he was not one of those who thought so, but at all events let them not destroy the present system piecemeal, and bit by bit, as they would by adopting measures of this sort. He could not see how the honourable member for Lambton, as a friend of Responsible Government, could introduce this bill, which was a distinct attack on the Union Act. The member for Norfolk and the member for Lincoln had spoken in favour of the bill. Both those gentlemen had been for a considerable time in the Government. How was it that, when they occupied that position, and had a majority at their back, how was it that then they never saw the necessity of such a measure? They never thought of it, so long as it suited their own convenience, and the convenience of the administration of which they were members, to have the matter in their own hands. (Hear, hear.) The only way in which the principle of this bill could be carried out was by an address to the Crown for permission to depart from the Union Act in this matter, in the same manner as an act had been obtained from the Imperial Parliament, enabling the Provincial Parliament to alter the constitution of the Legislative Council.<sup>108</sup> It appeared that when the subject had been before the House before, Mr. McDonald of Glengary voted against it. (cries of read the aye[s].) Mr. McDonald read the ayes among which appeared that of Sir A. McNab.<sup>109</sup>

MR. J.S. MACDONALD (Glengary) said that was merely to sustain the Speaker.<sup>110</sup>

MR. MACKENZIE believed the British constitution was used as a bug bear, though ours was nothing like it--as for instance in England they had no Attornies General in the Ministry. However, he thought the bill ought to be carried to prevent such breaches of faith as the House had lately seen.<sup>111</sup> [He] could see no reason for leaving uncertain what could be easily settled. All the talk about royal prerogative in this matter was the merest fudge, for it could not make the slightest difference to Queen Victoria whether the House met in February or October. It was rich to hear the Government talk about what they would do a twelvemonth hence--a Government that one day was in a minority and the next was fighting to get a majority. How such a coalition could last for another twelvemonth surpassed all human comprehension. (Hear, hear.)<sup>112</sup>

MR. PAPIN n'a entendu donner aucune raison plausible contre la seconde lecture du bill, tandis qu'il y en a beaucoup qui militent en sa faveur. Si l'époque de la réunion des chambres était fixée par une loi, chacun pourrait se préparer, il y aurait plus de régularité dans les affaires, et le peuple ne serait plus à la merci du gouvernement. Les objections qu'on apporte contre ce bill sont très futiles. La première, c'est que la chose ne se fait pas en Angleterre;--mais cela est dû à ce que les sessions sont toujours convoquées à la même époque, et si le gouvernement usait de ses prérogatives pour convoquer les chambres quand bon lui semblerait, elles adopteraient bien vite une loi comme celle-ci. Après avoir promis formellement de réunir le parlement en février, notre gouvernement a attendu aux derniers jours de l'année pour le faire, comme s'il eût voulu se moquer de la chambre. Le gouvernement dit qu'il

a l'intention de faire ce que demande ce bill: mais cette promesse ayant déjà été faite, et voyant que le gouvernement l'a violé pendant deux années consécutives, les membres ont bien le droit de vouloir ce bill. Les ministres peuvent être de bonne foi, et il (M. P.) est bien disposé à croire qu'ils feront tout en leur possible pour se maintenir au pouvoir le plus longtemps possible,--mais il n'est pas en leur pouvoir de dire, "nous ferons ceci ou cela dans six mois, ou dans un an." Le sort de la dernière administration nous a prouvé que les ministères sont fragiles et qu'ils ne doivent pas trop compter sur l'avenir.

Les ministres feignent de craindre voir diminuer leur responsabilité, ils semblent même ne pas s'en trouver assez,--mais il (M. P.) pense qu'ils en ont déjà trop pour ce qu'ils en peuvent porter; qu'ils se rappellent que c'est le trop des (sic) responsabilités qui a mis fin à la dernière administration Hincks-Morin, et ils y tiendront moins. Quant aux comptes publics, il pense que le gouvernement peut fort bien les préparer pour le commencement de février, s'il veut s'en donner la peine, et surtout lorsqu'il saura qu'il faudra les soumettre alors. D'ailleurs, les ministres ne font pas preuve d'une grande force de logique en disant que ce serait un inconvénient si l'époque de la réunion des chambres était fixée par une loi; car si c'est un inconvénient, pourquoi disent-ils qu'ils ont l'intention de toujours faire ce que demande le bill? De deux choses l'une: ou ils veulent tromper la chambre de nouveau, en ne remplissant pas cette promesse, ou ils la trompent maintenant en disant qu'il y aurait des inconvénients à le faire en vertu d'une loi. On peut aussi facilement anéantir l'objection des comptes publics, car ils ne seront pas plus prêts au commencement de février lorsque la chambre s'assemblera en vertu du bon plaisir du gouverneur, que lorsqu'elle s'assemblera à la même époque en vertu d'une loi. Cet argument ne vaut donc absolument rien, et ne sert qu'à mieux montrer leur mauvaise foi.<sup>113</sup>

MR. COM. CR. LANDS CAUCHON ... in French, ... opposed the bill.<sup>114</sup>

MR. RANKIN said he should vote for the bill. He considered it was only carrying out the principle of Responsible Government to its proper extent to say that the representatives of the people should decide at what period it was best for the convenience of themselves and their constituents that Parliament should meet. If the result of to-night's vote could possibly overthrow the ministry, he would hesitate before recording his vote against them, but in a plain matter of common sense like this he felt that he had a duty to discharge as an independent member of the House. He was very much attached to the present Government, but on the present occasion he felt bound to vote with the honourable member for Lambton.<sup>115</sup>

MR. AT. GEN. DRUMMOND did not think that the honour or the brilliancy of the British Crown would be in the slightest degree impaired, although the Canadian Parliament took upon itself to declare at what period it should meet. At the same time it was a matter of the greatest importance for the House to consider whether they legislated within the bounds of their jurisdiction, and he held they would not be so legislating if they adopted this bill in contravention of the Union Act.<sup>116</sup>

MR. BROWN replied to the various arguments which had been advanced in the course of the debate. During the whole of it the thought had been ever crossing his mind, when all this sort of work was to come to an end: for there had been hardly a session of Parliament held during the last twelve years, in which every argument used to-night had not been over and over again repeated and as often



refuted. (Hear, hear.) And it was particularly remarkable that, with two or three exceptions, not one member who had spoken against his bill to-night, but had spoken in favour of a similar measure on some previous occasion. (Hear, hear.) The Attorney-General East, and the Attorney-General West, were exceptions. But the Inspector-General was not an exception. (Hear, hear.) The Premier was not--(loud cries of "Hear, hear.")--neither was the Postmaster-General (Mr. Spence), nor the Solicitor-General West (Mr. Smith), nor the hon. member for Russell (Mr. Lyon); in fact, there were not six members who would this night vote against his motion, who had formerly sat in Parliament, who had not, on some previous occasion, voted for one substantially the same. (Hear, hear.) The question was well put by the hon. member for Essex, when he said that the question was simply one between the convenience of this House and the whole country, and the convenience of the ten gentlemen who happened to be on the Treasury Benches for the time being. (Hear, hear.) The question was one, not of law, but of plain common sense. Mr. Brown then traced the Parliamentary history of the country, from the Union to this present day--showing that, without almost an exception, the time for the meeting of Parliament had been chosen, to suit the whim or convenience of the administration of the day, and often to the great inconvenience of the country and of the House. And to it would be to the end of the chapter, until this Act should be passed. It could not be otherwise, for it was the natural tendency of the system, that, when parties were well balanced, the Government of the day should postpone the meeting of Parliament as long as possible--that they should push off the evil day as far as they could. (Hear, hear.) It had been said that it was most extraordinary for him (Mr. Brown) to bring forward this bill, being so strong an advocate of responsible government. But it was just because he was an advocate of responsible government, and desired to preserve it from being tarnished by the conduct of honorable gentlemen who might happen to be on the Treasury Benches, that he brought forward this bill. He brought it in because he felt that this practice of delaying the meeting of Parliament, and spending the public money without the authority of Parliament, was much more dangerous to responsible government than all other causes put together. (Hear, hear.) In regard to all those wasteful expenditures of the public money which had been recently disclosed--those Baby expenditures, those tug-boat contracts, and other extravagant transactions--he asked if one of these gross irregularities could have occurred, had Parliament met at a stated period, and its authority been demanded? (Hear, hear.) If ever there was a proper and just measure, this was one; and he felt that those who desired that responsible government should have a fair trial, were bound to support it. (Hear, hear.) One great object of the bill was to reduce the power of the Executive. The enormous power of the Government--its patronage, its power of corruption, its control over all legislative and administrative proceedings--was one of the greatest evils under which the constitution laboured; but if ministers were compelled to call the representatives of the people together at a stated season, this evil would be not a little lessened. (Hear, hear.) The Solicitor-General had taken advantage of a remark which had fallen from his honorable friend, the member for Glengarry, to make a most unjustifiable attack on that honorable gentleman. He did think that, if a casual remark made in confidence by one honorable member to another, was to be brought out in this way, there was an end to all confidence among the members of this House. (Hear, hear.) How many words did all men thoughtlessly utter, which, the very next moment they would recall if they could; but if every word was to be snapped up, and placed in this way in the worst point of view before the public, how



would it be possible to maintain any intercourse amongst public men? (Hear, hear.) But, after all, his hon. friend from Glengarry had done nothing to be ashamed of. He had represented to him (Mr. B.) whether it was well to press the motion, whether it would not be better to accept the promise of the Government. He (Mr. B.) recalled to his recollection how many similar scenes they passed through during the last ten years--the address of 1852, the promises of the Executive then, and the way in which they had been broken and he asked his hon. friend how he could place confidence in the promises of any Executive again? In these circumstances, what could his hon. friend do, appreciating those arguments, but support the bill when he found him determined to press it? (Hear, hear.) With regard to what had fallen from the honorable Attorney-General, he felt really sorry for him. He could make such an able speech, when he had the right side, that he was sorry to see him compelled to bring up a miserable legal quibble, in defense of a bad case. (Hear, hear.) That same quibble he had heard cited time after time, Parliament after Parliament, and just as often refuted. A sufficient answer to it consisted in the names of the gentlemen who, on the occasion referred to by the Attorney-General, recorded their votes against the Speaker's decision. The first name was Mr. Badgley, now Mr. Justice Badgley. (Hear, hear.) The next was Mr. Boulton of Norfolk, who introduced the Bill, one of the first lawyers in the country. The next was Mr. Boulton of Toronto, also an able lawyer. The next was a gentleman named Mr. Cayley, whom I fancy to be the Inspector General and also a lawyer. (Hear, hear and laughter.) The next was Mr. Christie, the historian of Lower Canada. The next was Mr. Holmes, who if not a lawyer, was a good judge of common sense propositions--then came Mr. Lyon (hear, hear,)--a lawyer of excellent standing. And who was the next lawyer on the list? Why, no other than the Premier of the Government, Sir Allan MacNab. (Great laughter.) Next came Mr. Myers, another lawyer, and Colonel Prince, a Queen's Counsel, an able lawyer and an "English gentleman." (Laughter.) Then came the honorable Mr. Robinson, not now in his place,--Mr. Sherwood formerly Attorney General,--Mr. Smith of Durham, an excellent lawyer, and who of all men brought up the rear? Why Mr. Smith of Frontenac, Her Majesty's present Solicitor General for Upper Canada! (Cheers.)<sup>117</sup>

MR. SOL. GEN. H. SMITH.--That was a vote merely against the validity of the Speaker's decision.<sup>118</sup>

MR. BROWN said that made the case all the stronger; they not only voted that the Bill was constitutional, but that Mr. Morin's decision that it was not constitutional was quite wrong. (Hear, hear.) An opinion on the constitutional question given by those eminent lawyers was in these circumstances all the more weighty. (Hear, hear.) He asked then if honorable members would allow a miserable legal quibble like this, discountenanced by so many able lawyers, to weigh for a moment against the plainest dictates of common sense. (Hear, hear.) Having alluded briefly to some of the other arguments which had been touched upon in the course of the day, Mr. Brown concluded by expressing the hope that by the adoption of the measure now submitted, they would get rid of the present system which entailed constant inconvenience on the members of the House, injury to the public interest, and an extravagant waste of the public money. (Hear, hear.)<sup>119</sup>

MR. INSP. GEN. CAYLEY endeavoured to explain the inconsistency of his position, by stating that the vote on Mr. Boulton's Bill was whether or not it should be introduced--not like as now, whether having been introduced it should be read a second time. On the previous occasion he did not think the Speaker's decision right, that it could not be introduced.<sup>120</sup>

MR. DALY opposed the Bill, because he looked upon it as a first step towards a written constitution.<sup>121</sup>

The amendment of Sir Allan Macnab to give the Bill a three months' hoist was then carried<sup>122</sup>.

(714)

The Order of the day for the second reading of the Bill to secure the more convenient assembling of the Provincial Parliament, being read;

Mr. Brown moved, seconded by Mr. Holton, and the Question being proposed, That the Bill be now read a second time;

The Honorable Sir Allan N. MacNab moved in amendment to the Question, seconded by the Honorable Mr. Attorney General Macdonald, That the word "now" be left out, and the words "this day three months" added at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Alleyn, Bellingham, Blanchet, Brodeur, Burton, Cameron, Cartier, Casault, Cauchon, Cayley, Chapais, Chauveau, Chisholm, Church, Clarke, Cook, Crawford, Crysler, Daly, Jean B. Daoust, Desaulniers, Dionne, Postaler, Attorney General Drummond, Egan, Felton, Ferres, Thomas Fortier, Fournier, Gill, Jackson, Labelle, Laporte, Larwill, LeBoutillier, Loranger, Lumsden, Lyon, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Masson, Matheson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Murney, Niles, Patrick, Poulin, Pouliot, Powell, Rhodes, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Somerville, Southwick, Spence, Stevenson, Thibaudeau, Turcotte, Whitney, and Yeilding.--(68.)

NAYS.

Messieurs Aikins, Bell, Biggar, Bourassa, Brown, Bureau, Christie, Cooke, Darche, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Ferrie, Foley, Frazer, Galt, Gould, Hartman, Holton, Jobin, Laberge, John S. Macdonald, Roderick McDonald, Mackenzie, Mattice, Merritt, Munro, Papin, Prévost, Rankin, Rolph, Sanborn, Scatcherd, Valois, and Wright.--(35.)

(715)

So it was resolved in the Affirmative.<sup>123</sup>

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time this day three months.

Then, on motion of the Honorable Mr. Attorney General Drummond, seconded by the Honorable Sir Allan N. MacNab,

The House adjourned.

APPENDIX: 19 MARCH 1855.

[NOTICE OF MOTION FOR AN ADDRESS RE: VERCHÈRES.]

MR. J. DORION (Drummond et Arthabaska) [donne avis que] jeudi prochain [il fera motion pour une] Adresse à son excellence, demandant copie de toutes les applications faites au gouvernement pour obtenir la place de registrateur du comté de Verchères, lorsque cette place est devenue vacante en juillet 1854.<sup>124</sup>

[NOTICE OF MOTION FOR A RESOLUTION RE: SEIGNIORIAL TENURE AMENDMENTS.]

MR. PAPIN proposera, mercredi ... le résolution suivante:

Que les différentes requêtes présentées à cette chambre, pendant la présente session, et demandant des amendements à l'Acte Seigniorial de 1854, soient référées à un comité spécial de sept membres, composé des hon. MM. Drummond et Lemieux, et de MM. Taché, Turcotte, Masson, Laberge et Papin, avec instruction de faire rapport sur les amendements qu'il convient de faire au dit acte.<sup>125</sup>

[NOTICE OF MOTION FOR RESOLUTIONS RE: EMIGRANTS.]

MR. A. DORION (de Montréal) proposera, mercredi ... les résolutions suivantes:

Résolu 1.--Que, dans l'opinion de cette chambre, les immigrants passant par cette province, ne trouvent pas aux différents débarcadères où ils sont obligés de s'arrêter les commodités nécessaires, ce qui les a, par le passé, exposés à beaucoup d'inconvénients et de souffrances et a été une cause fréquente des maladies contagieuses et autres dans différentes parties de cette province.

2.--Que la construction de bâtiments convenables dans quelque endroit salubre et isolé, accessible par eau, près de chacune des différentes villes et cités où les immigrants arrêtent ordinairement ou changent de convoi, durant leur voyage à travers la province, pour servir d'habitation temporaire à ces immigrants et d'hôpitaux pour ceux qui peuvent être retenus par maladie,--assurerait aux immigrants par la voie du golfe St. Laurent des avantages qu'ils ne trouvent nulle part ailleurs, et contribuerait beaucoup à empêcher le retour et la contagion de ces maladies dont les habitants de cette province ont tant souffert depuis quelques années.

3.--Qu'une humble adresse soit présentée à Son Excellence le Gouverneur-général, priant Son Excellence de vouloir bien faire prendre des mesures pour pourvoir à l'érection de tels bâtiments et hôpitaux aux endroits qui paraîtront le plus convenables pour assurer le bien-être aux immigrants, et la protection de la santé publique.<sup>126</sup>

[QUESTION AND ANSWER RE: BULSTRODE ROAD IN THE EASTERN TOWNSHIPS.]

MR. J. DORION (de Drummond) demande au ministère si c'est l'intention du gouvernement de faire terminer le chemin de Bulstrode, afin de rendre praticable la voie de communication la plus directe entre la ville des Trois-Rivières et une très grande partie des townships de l'est, et faciliter l'établissement des terres incultes.<sup>127</sup>

MR. COM. CR. LANDS CAUCHON répond que le gouvernement n'a pas encore pris le sujet en considération, mais qu'il le fera aussitôt que les estimés seront votés; ils contiendront probablement une appropriation de fonds pour cet objet.<sup>128</sup>

[QUESTION RE: SHERBROOKE.]

On the question for the second reading of the bill to constitute Sherbrooke a municipality, a long discussion ensued, in which the necessity was urged on the government to bring in a general measure for the establishment of new registry offices in the several new electoral counties.<sup>129</sup>

[WITHDRAWN MOTION RE: NAVIGATION.]

MR. BROWN moved an Address to His Excellency, praying that Regulations may be adopted and promulgated by the Governor in Council, pursuant to the provisions of the Act 16 Victoria, cap. 166<sup>130</sup> [OR] Act 16th Vic., Cap. 167,<sup>131</sup> with reference to the regulations of the number of Steerage Passengers that may be carried by Steamboats in this Province, so that such Regulations may be in force at the opening of navigation.<sup>132</sup>

MR. PRES. EX. COUN. MACNAB intimated that the Government would take the matter up.<sup>133</sup>

MR. BROWN said that his sole object in putting the notice on the paper had been to call the attention of the Government to the subject that steps might be taken to prevent those evils which have existed in the crowds of steerage passengers on small steamers, before the navigation opened. That end having been gained, he would withdraw his motion.<sup>134</sup>



FOOTNOTES: 19 MARCH 1855.

1. MORNING CHRONICLE, 20 March 1855.
2. LE PAYS, 22 March 1855, reports that the motion on this item was made by Mr. Drummond, however this differs from the JOURNALS which record that it was "seconded by the Honorable Mr. Attorney General Drummond".
3. MORNING CHRONICLE, 21 March 1855.
4. GLOBE, 27 March 1855.
5. IBID.
6. MORNING CHRONICLE, 21 March 1855.
7. GLOBE, 27 March 1855.
8. MORNING CHRONICLE, 21 March 1855.
9. GLOBE, 27 March 1855.
10. MORNING CHRONICLE, 21 March 1855.
11. GLOBE, 27 March 1855.
12. MORNING CHRONICLE, 21 March 1855.
13. GLOBE, 27 March 1855.
14. MORNING CHRONICLE, 21 March 1855.
15. GLOBE, 27 March 1855.
16. IBID.
17. MORNING CHRONICLE, 21 March 1855.
18. GLOBE, 27 March 1855.
19. IBID.
20. MORNING CHRONICLE, 21 March 1855.
21. GLOBE, 27 March 1855.
22. IBID.
23. LE PAYS, 22 March 1855.
24. IBID.
25. MORNING CHRONICLE, 21 March 1855.
26. GLOBE, 27 March 1855.
27. LE PAYS, 22 March 1855. The term "baux amphithéotiques", used by Mr. J. Dorion, should be written as baux emphytéotiques.
28. IBID.
29. IBID.
30. IBID.
31. GLOBE, 27 March 1855.
32. MORNING CHRONICLE, 21 March 1855.
33. GLOBE, 27 March 1855.
34. IBID.
35. IBID.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. IBID.

49. IBID.
50. MORNING CHRONICLE, 21 March 1855.
51. GLOBE, 27 March 1855.
52. IBID.
53. IBID.
54. IBID.
55. GLOBE, 27 March 1855. This newspaper here reports Sir Allan MacNab's amendment was to postpone the second reading of the bill for six months. Later in the debate, the same newspaper provides conflicting information (footnote 122): "The amendment of Sir Allan Macnab to give the Bill a three months' hoist was then carried". The JOURNALS, page 714, record that his amendment was to postpone the second reading for three months.
56. MORNING CHRONICLE, 21 March 1855.
57. GLOBE, 27 March 1855.
58. IBID.
59. MORNING CHRONICLE, 21 March 1855.
60. GLOBE, 27 March 1855.
61. MORNING CHRONICLE, 21 March 1855.
62. GLOBE, 27 March 1855.
63. IBID.
64. LE PAYS, 24 March 1855.
65. HAMILTON SPECTATOR, 28 March 1855.
66. GLOBE, 27 March 1855.
67. IBID.
68. LE PAYS, 24 March 1855.
69. GLOBE, 27 March 1855.
70. IBID.
71. LE PAYS, 24 March 1855.
72. GLOBE, 27 March 1855.
73. IBID.
74. IBID.
75. MORNING CHRONICLE, 21 March 1855.
76. LE PAYS, 24 March 1855.
77. GLOBE, 27 March 1855.
78. MORNING CHRONICLE, 21 March 1855.
79. GLOBE, 27 March 1855.
80. MORNING CHRONICLE, 21 March 1855.
81. GLOBE, 27 March 1855.
82. IBID.
83. MORNING CHRONICLE, 21 March 1855.
84. LE PAYS, 24 March 1855.
85. GLOBE, 27 March 1855.
86. MORNING CHRONICLE, 21 March 1855.
87. GLOBE, 27 March 1855.
88. MORNING CHRONICLE, 21 March 1855.
89. LE PAYS, 24 March 1855.
90. IBID.
91. GLOBE, 27 March 1855.
92. LE PAYS, 24 March 1855.
93. IBID.
94. HAMILTON SPECTATOR, 28 March 1855.
95. LE PAYS, 24 March 1855.

96. MORNING CHRONICLE, 21 March 1855.
97. GLOBE, 27 March 1855.
98. IBID.
99. MORNING CHRONICLE, 21 March 1855.
100. GLOBE, 27 March 1855.
101. MORNING CHRONICLE, 21 March 1855.
102. GLOBE, 27 March 1855.
103. MORNING CHRONICLE, 21 March 1855.
104. GLOBE, 27 March 1855.
105. IBID.
106. IBID.
107. IBID.
108. IBID.
109. MORNING CHRONICLE, 21 March 1855.
110. IBID.
111. IBID.
112. GLOBE, 27 March 1855.
113. LE PAYS, 24 March 1855.
114. GLOBE, 27 March 1855.
115. IBID.
116. IBID.
117. IBID.
118. IBID.
119. IBID.
120. IBID.
121. IBID.
122. GLOBE, 27 March 1855. Earlier in the debate this same newspaper reports Sir Allan MacNab moved "in amendment, that the Bill be read a second time this day six months." This information (footnote 55) conflicts with the information in footnote 122 and with the JOURNALS, page 714, where the amendment was to postpone the second reading for three months.
123. TORONTO DAILY LEADER, 26 March 1855, comments that the debate "lasted for four hours, on the question of determining by public statute, the period at which Parliament should assemble." The commentary adds that the vote was taken at "half-past eleven o'clock this evening" (19 March 1855).
124. LE PAYS, 24 March 1855.
125. LE PAYS, 22 March 1855.
126. IBID.
127. IBID.
128. IBID.
129. MORNING CHRONICLE, 21 March 1855.
130. GLOBE, 27 March 1855. Telegraph (PILOT, 21 March 1855) differs from the GLOBE, and reports Mr. Brown's motion for an address concerned "Act 16th Vic., Cap. 167". This Act is reported in a number of telegraph reports and relates to the regulating of the navigation of the Provincial waters. Act 16 Victoria, Cap. 166 pertains to a bill which exempts vessels from the duty imposed to provide for the medical treatment of sick mariners.
131. Telegraph (PILOT, 21 March 1855).
132. GLOBE, 27 March 1855.
133. IBID.
134. IBID.

TUESDAY, 20 MARCH 1855.

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MR. SPEAKER laid before the House, Return from the Police Magistrate of the City of Quebec, received in pursuance of the Order of this House of the 8th of November last.

For the said Return, see Appendix (A.A.A.)

Mr. Speaker reported to the House, That the Recognizance to the Petition of Lemuel Cushing, Esquire, complaining of an undue Election and Return for the County of Argenteuil, is unobjectionable.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Clarke,--The Petition of Michael Haller and others, of the Village of Preston, in the County of Waterloo.

By Mr. Niles,--The Petition of the Municipal Council of the County of Middlesex.

By Mr. Masson,--The Petition of Paul Besserer and others, of the Parish of St. Clet, County of Soulanges, Censitaires; and the Petition of the Reverend T. Brassard, Curé, and others, of the Parish of St. Ignace du Coteau du Lac, County of Soulanges.

By Mr. Sanborn,--The Petition of the Municipal Council of the County of Sherbrooke; and the Petition of William Smith and others, of the Township of Brampton.

By Mr. Fournier,--The Petition of the Municipal Council of the County of L'Islet.

By Mr. Angus Morrison,--The Petition of Joseph Woodruff, Clerk of the Peace for the United Counties of Lincoln and Welland, and J.H.S. Dolmage on behalf of the Clerks of the Peace for Upper Canada; the Petition of G.W. Allan, (Mayor of Toronto), and other Stockholders of the Provincial Insurance Company; and the Petition of the Reverend John Campbell and others, of the Township of Nottawasaga, in the County of Simcoe.

By Mr. Cooke,--The Petition of the Reverend A. Mignault and others, Roman Catholics, of the Parish of Ste. Angélique, in the County of Ottawa; and the Petition of the Municipal Council, Division No. 2, of the County of Ottawa.

By Mr. Biggar,--The Petition of James Powles and others, Chiefs and Warriors, of the Six Nations Indians.

By Mr. McCann,--The Petition of the Municipality of the Township of East Hawkesbury, in the County of Prescott.

By Mr. Sidney Smith,--The Petition of Donald Cameron and others, of the Township of Darlington, in the County of Durham.

By Mr. Bellingham,--The Petition of Owen Owens and others, of Grenville, Chatham, and Argenteuil.

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By Mr. James Ross,--The Petition of the Belleville Gas Company.

By Mr. Brown,--The Petition of Joseph Hilborn, Post Master, and others, of the Township of Bosanquet and vicinity; the Petition of J.M. Eastman and others, of the Township of Williams and vicinity; the Petition of Richard F. Freeland and others, of the Township of Bosanquet, in the County of Lambton; the Petition of Mrs. Elizabeth Cavanagh and others, Mothers and Daughters, of the Township of Williams and vicinity; the Petition of William Ross, Deputy Assistant Clerk of the House; and the Petition of Mrs. Sarah Hilborn and others, Mothers and Daughters, of the Township of Bosanquet and vicinity.



By Mr. Mackenzie,--The Petition of the Municipality of the United Townships of Moulton and Sherbrooke, County of Haldimand; and the Petition of John Dean, of the Township of North Cayuga, in the County of Haldimand, farmer.

By Mr. Turcotte,--The Petition of Pierre Lessard and others, of the Parish of Ste. Ursule.

By Mr. Loranger,--The Petition of the Reverend T.S. Brassard, Curé, and others, of the Parish of La Conversion de St. Paul, in the County of Joliette.

By Mr. Egan,--The Petition of Hugh Gorman and others, of the Township of Buckingham, County of Ottawa.

Ordered, That the Return relative to the Papier Terrier of certain Fiefs and Seigniories, presented yesterday, be printed for the use of the Members of this House.

Sur motion de MR. BUREAU,<sup>1</sup>

(716)

Ordered, That Mr. Valois have leave of absence for three weeks.

Ordered, That the Petition of Victoria College of Cobourg; the Petition of the Reverend P.H. Suzor and others; and the Petition of J.B. Desrosiers and others, of the Counties of Bagot and Drummond, be printed for the use of the Members of this House.

Ordered, That the Accounts of the Supervisor of Cullers for the year 1854, be printed for the use of the Members of this House.

Ordered, That Mr. Solicitor General Smith have leave to bring in a Bill to determine the course of the division or side Lines of the Lots in certain Concessions in the Township of Smith.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Ordered, That Mr. Solicitor General Smith have leave to bring in a Bill to determine the manner in which the division or side Lines of the Lots in the Township of Wolfe Island shall be drawn.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Ordered, That Mr. Solicitor General Smith have leave to bring in a Bill to amend the Acts relating to Land Surveyors.

He accordingly presented the said Bill to the House, and the same was received and read for the first time ... ; and ordered to be read a second time on Tuesday next.

The Honorable Mr. Cameron, from the Standing Committee on Miscellaneous

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Private Bills, presented to the House the Twenty-third Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to renew the Charter of the Humber Harbour Company, and also the Bill to incorporate L'Hospice de St. Joseph de la Maternité de Québec, and to each of the said Bills they have prepared certain amendments, which they have the honor to report for the consideration of Your Honorable House.

*Mr. Holton, from the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, informed the House, That the Committee had been engaged for several days in the careful examination of the said Petitions, and that the Counsel for the Petitioners have applied for a Commission upon the grounds that sufficient evidence would be wanting here to enable him to prove the various allegations in the said Petitions. That the Committee have granted the request of the Counsel for the Petitioners, and appointed William Power, Esquire, Judge of the Circuit Court of Quebec, as Commissioner in this case.*

*Ordered, That the Select Committee on the Megantic Election Petitions have leave to adjourn until such time as the Speaker of this House shall, by his Warrant, direct them to reassemble pursuant to "The Election Petitions Act of 1851," and take the proceedings of the said Commission into consideration.*

*The Honorable John Sandfield Macdonald reported from the General Committee of Elections, the Amended Panels.*

*Ordered, That the Bill to incorporate L'Hospice de St. Joseph de la Maternité de Québec, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Wednesday the twenty-eighth instant.*

*Ordered, That the Bill to renew the Charter of the Humber Harbour Company, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Thursday next.*

MR. AT. GEN. DRUMMOND having risen to move the second reading of the Bill to reform the Municipal System of Lower Canada,<sup>2</sup>--

MR. J.S. MACDONALD (Glengary) said there had been a clear understanding that the Militia Bill would be taken up to-day, and the members had prepared themselves accordingly.<sup>3</sup>

MR. PRES. EX. COUN. MACNAB denied that there had been any such understanding.<sup>4</sup>

MR. MACKENZIE considered there had been a clear understanding to that effect, and it was unfair in the Government now to substitute a measure which hon. members did not expect to come on.<sup>5</sup>

MR. A. DORION (de Montréal) trouve étonnant que ce bill se trouve aujourd'hui la premier ordre du jour, sans que la chambre en ait été avertie, et sans que les membres aient pu se préparer à la discussion, surtout après la promesse presque formelle, faite vendredi pour le ministère, d'amener aujourd'hui le bill de milice. Il y a eu une assez longue discussion vendredi sur ce sujet, et il a été compris par tous les membres que le bill de milice serait aujourd'hui le premier ordre du jour, et les membres se sont préparés en conséquence, ne s'attendant pas du tout à discuter le bill municipal aujourd'hui: Il semble que le gouvernement veuille constamment se moquer des membres et agir en dictateur vis-à-vis d'eux en ne déignant même pas leur donner un jour d'avis sur les mesures qu'il désire faire discuter.<sup>6</sup>

Plusieurs membres parlent dans le même tems que M. Dorion, après quoi,<sup>7</sup>

MR. PRES. EX. COUN. MACNAB dit que le gouvernement prendra le bill qu'il lui plaira sans s'occuper de ce que désire l'opposition, et que quand il sera prêt sur une mesure quelconque, il l'amènera devant la chambre si bon lui semble.<sup>8</sup> (Oh!)<sup>9</sup>

MR. J.S. MACDONALD (Glengary) said that hon. gentlemen opposite were fond of quoting British practice. It would be a good thing if they would copy the practice of the House of Commons in this, that members always came knowing precisely what measure would come up for discussion.<sup>10</sup>

After some further conversation, the Government intimated that they had made up their mind to go on with the Municipal Bill first, and, if their (sic) should be time, the Militia Bill would be taken next.<sup>11</sup>

MR. AT. GEN. DRUMMOND then proceeded to explain his Bill.<sup>12</sup> The question involved was whether Lower Canada should have the same municipal privileges and institutions as Upper Canada. The objections he supposed to the second reading of the bill would be of two kinds--those to the principle conferring the right of local self-taxation on the people, and to the introduction of the particular machinery for that purpose which had worked so satisfactorily in Upper Canada, into this part of the Province. The former kind of objection was somewhat antediluvian in its nature, and came too late, since the principle had been already introduced into our legislation, though in a very imperfect manner, and the right was already used in many parts of the Province. With regard as well to that principle as to the new machinery for carrying it out, he believed the opinion of Lower Canada almost universal in its favor. It was true that in looking back he found that the Parish and Township municipalities now sought to be re-introduced, had before existed and had been abolished, but he believed that previous statute had been repealed before it had had a fair trial. If the gentleman who framed that bill and those who had been charged with carrying it out, had had the experience now possessed by legislature and people, it would have been made eminently successful, and ... it would succeed now. For many parish purposes the present<sup>13</sup> county<sup>14</sup> municipalities were found too large. Members attending them had often to travel 15 or 20, and in the county of the hon. member for Drummond and Arthabaska 30 or 40 miles, and stop 3 or 4 days to regulate matters the majority of which could be better settled in their own Parishes. Besides, so imperfect was the present law, that in those places where the municipal institutions had been most successfully worked it had been done by the Council making a law for themselves. The municipal system was one of the best means of educating the people in self-government, and teaching how best to use the free institutions with which they had been blessed. The bill before the House was not however simply a Municipal Act. It had been his object in framing it to form a sort of rural code, in which the people in the rural districts might find condensed in a small space all the law necessary for the management of their local affairs.<sup>15</sup> It had been objected to that it was too long, but he considered that its chief merit consisted in its comprising so much legislation within so small a compass. He had succeeded in getting into 35 pages what in the Upper Canada Acts occupied at least 150.<sup>16</sup> He had condensed all the road laws and laws relating to local assessment relating to this part of the Province. On the former subject a great mass of conflicting legislation had been in existence, sufficient to fill two or three volumes of statutes of the ordinary size--one of them alone nearly equalling in bulk this bill. A whole page was necessary to recite the titles of the acts repealed and replaced by this measure. Another great difficulty was the great trouble which would be felt by a people even more literate than the Canadians in carrying such laws so framed into effect. In this measure he had attempted to make the language as simple, clear and intelligible as possible, and had added a large number of forms to be used, carrying out its provisions. He hoped and believed this would have the effect of doing away with much litigation now unfortunately found necessary.



Many honorable members knew that under the old law the application for ratification of a procès verbal of a road had been pending for years in the Quarter Sessions, "on some occasions as long as ten years. And under the present system of Municipal law the jurisprudence was so conflicting that the people did not know how to act. He might dwell on the excellencies of Municipal institutions, but he felt it was not necessary in that assembly of educated and enlightened men, and he believed the people of Lower Canada were satisfied of its excellencies.<sup>17</sup> If any one still doubted the benefit of Municipal Institutions, he would invite them to look at their effect in Upper Canada. On the other hand hon. gentlemen from Upper Canada should not look upon the Lower Canadians as so very far in arrear, if they were not so much in favour of Municipal Institutions as they might be. They should remember that when the first Municipal system was proposed by Lord Sydenham, the great mass of the population of Upper Canada were opposed to those institutions. (No! No!) With all the influence of Lord Sydenham and his Council, the measure was only carried through the House by a bare majority of 1. Yet the people of Upper Canada had found out their error, and no people had proved so rapidly and so well the advantage of Municipal Institutions as they had done.<sup>18</sup>

MR. J. DORION (de Drummond) votera pour la seconde lecture du bill, mais il ne veut pas par ce vote en approuver tous les détails, qui sont très défectueux sous plusieurs rapports.<sup>19</sup> [He] should object to many of its details when it came before the Committee of the whole.<sup>20</sup>

MR. BUREAU would not oppose it if the clauses providing for the payment of jurors by Municipal Councils were to be taken out.<sup>21</sup>

MR. AT. GEN. DRUMMOND dit que cette partie sera retranchée complètement, et que d'ailleurs le bill sera référé à un comité de toute la chambre, pour qu'il subisse des amendements s'il est nécessaire, afin de le rendre aussi parfait que possible.<sup>22</sup>

MR. BUREAU would then vote for the second and probably the third reading of the bill.<sup>23</sup>

MR. GALT regretted that, owing to the understanding that the Militia bill would have been brought up, not the one before the House, he was not prepared to enter on the discussions, as he had intended to do. His first great objection to the measure was, that it interfered with the present law, which was, as he contended, working satisfactorily in the townships, and if he was not mistaken in other portions of the Province also.--That system was much less cumbrous than the one proposed in the bill before the House. There were many objections to the measure, which he must content himself to discuss in committee, though he should have preferred to do so on the second reading.<sup>24</sup> The Attorney General would find that though he might have succeeded in taking advantage of the confidence which for once the Opposition had placed in the promises of the Government, the absence of that confidence which their conduct to-night would confirm, would not tend much to assist their measures through the House. (Hear, hear.) The opposition were charged with delaying the public business. But what were the facts? Parliament had now been in session for a month, and this was positively the first Government measure that had been brought to the stage of a second reading. (Hear, hear.) Whenever the Opposition had interfered, it had not been to trammel the Government but to urge them to bring forward their measures. (Hear, hear.) It was not surely by the Opposition that the Inspector General had been prevented up to this moment from bringing down the Public



Accounts of last year. (Hear, hear.) It was not the fault of the Opposition that the Legislative Council Bill had only been brought down last Friday. (Hear, hear.) If there had been any detention of the public business, and such there had been, it surely could not be charged on any others than the gentlemen on the Treasury Benches, who enjoyed the confidence of the majority of this House.<sup>25</sup> Cependant il votera pour la seconde lecture du bill, quoiqu'il n'en approuve pas les détails.<sup>26</sup>

MR. SOMERVILLE looked on this measure as of even more importance to Lower Canadians than the militia bill, and he should be happy to vote for it.--He congratulated the Hon. Attorney General East in the course he had taken with respect to this bill. He had brought it down early in the session, and given the people throughout the country as well as hon. members, ample opportunity to examine its provisions. He thought the details would require very careful consideration by hon. members, and he hoped to see them carefully examined and discussed in Committee, so that no fresh changes would be required for years to come. One of the great drawbacks to the effective working of their present and past system, had been its frequent changes. Just as the people had learned how to work one act, it was repealed and another substituted for it.<sup>27</sup>

MR. POWELL accused the opposition of displaying a factious spirit in opposing any and every thing that was done by the ministry.<sup>28</sup>

MR. MACKENZIE would vote for the second reading without discussion. He liked the municipal system and was always glad to aid in its developement and extension. He had stood before three different Colonial Ministers on different occasions to demand municipal institutions for Upper Canada, before they got them. He was surprised to hear the hon. Attorney General East say, that the people of Upper Canada had ever been opposed to municipal institutions.<sup>29</sup> How does the Bytown Registry Office get on? (Great laughter.) It was evident that the Attorney General east knew very little of Upper Canada, or he would not have hazarded the remark that its people had ever been opposed to Municipal Institutions. (Hear, hear.) The very reverse was the case, and bill after bill had been passed by the House of Assembly,<sup>30</sup> and sent ... up to the Legislative Council,<sup>31</sup>--a body of needy, greedy men, who represented none but themselves<sup>32</sup>--where the friends of the hon. and gallant knight had always managed to kill them.<sup>33</sup> He agreed with the member for Sherbrooke that there was much room for blaming the ministry for having done so little. They had now been here for four weeks, and all those twelve gentlemen, receiving their £1000 a year from the public, had done was to bring down this bill to the promise of a second reading. They were a most miserable race of incapables. (Order.) He knew that it was not a parliamentary phrase that he had used, but a better one did not suggest itself.<sup>34</sup>

MR. AT. GEN. DRUMMOND thought it a pity that the members of the administration were not like the hon. member for Haldimand, and that they did not bring in and carry through the House so many practical,<sup>35</sup> impartial, well-digested, and successful measures as he had done.<sup>36</sup> [Il] dit que le ministère actuel ne mérite pas les reproches de l'hon. membre pour Sherbrooke<sup>37</sup>. This administration, formed in the middle of a session, had laid before and carried through the Parliament more important measures than any other in the same length of time. They had passed the Reciprocity Act, the Clergy Reserves Act, settling a long pending dispute which has kept up a most awful agitation; the Seigniorial Tenure bill, which changed for the better the tenure of a great part of the lands in

Lower Canada. They had laid before the House their Legislative Council bill, and Militia bill, and had brought this measure to give Lower Canada a complete municipal system and rural code, to its second reading. Yet they were taunted with doing nothing one day, while the next they were perhaps blamed for doing too much. One day they were too tardy in going on with their measures,--the next they were pressing them too fast. Even this measure which had been before the country for months, of which several copies had been sent to the secretary and treasurer of every municipality in the country, this measure it seemed took the hon member<sup>38</sup> [OR] took honorable gentlemen by surprise.<sup>39</sup>

MR. FERRES thought a standing form of objection to all Government measures should be drawn up for the use of the opposition. They reminded him of the soldier tied up to the triangles--Whether the drummer hit high or hit low, it was never in the right spot. So proceed as ministers would, fast or slow, the opposition was sure never to be suited. There could be but one opinion about this bill. It would be of great use to the country, a great boom (sic) conferred upon the people. It was drawn up too in a plain manner, so as to be comprehensible by any intelligent man, whether versed in law or not. He was happy to see the Attorney General had avoided all puzzling technicalities of expression. He thought this and the seigniorial tenure act would do honor to the reputation of the Attorney General as a statesman. There were several objectionable details in the bill, but he believed in its general features it was highly acceptable to the country. One objection raised among his constituents was to the appointment of County Superintendents of roads, an expense which might be avoided, and the duty done by the ordinary parish or township officers. Another defect in the measure was that it did not give Councillors the right to pay themselves for their time while serving in that capacity. It was also necessary to limit the right to take railway stock to a certain percentage of the assessed property. The right to tax a man's profession, also his means or mode of getting a living, was vicious in principle. A man should be taxed on his railroad property or his income, not because he belonged to a certain profession, which perhaps proved unremunerative to him. The tax to pay jurors should be a district rate, payable to a district officer, not a county or township rate. These were objections of more or less importance to details of the measure which might be amended in Committee, but the bill as a whole was a boon conferred (sic) upon the country and would be regarded as such by the people.<sup>40</sup> Il complimente en même tems le procureur-général (M. Drummond) sur la promptitude avec laquelle il l'a soumis à la chambre<sup>41</sup>.

MR. SANBORN said that honorable members could not fail to be pleased with the manner in which the member for East Missisquoi accorded support and praise to the hon. Attorney General, and the gracious manner in which the Attorney General received it, when they remembered how that hon. gentleman had taken such especial pains to defeat the election of the member for East Missisquoi, and the noise made about it at the time.--They might indulge hopes that the mil[l]ennial age had come. One would think to hear the member for East Missisquoi that children yet unborn would rise up to bless the Attorney General for this bill, and that it had been received by the country with universal approbation.<sup>42</sup> It was very satisfactory and pleasing to see the Christian spirit in which the hon. member could forgive injuries, and by his praise heap coals of fire on the heads of his enemies. (Hear, hear.)<sup>43</sup> From this opinion he dissented--and the hon. gentleman had furnished good ground for his dissent in the very serious objections he had urged to some of the most important features of the bill.--It had

been admitted that frequent change was an evil; was this change needed. Though the Attorney General had spoken as if he were about introducing Municipal institutions into Lower Canada, they had nevertheless long existed, and had been satisfactorily worked, and their value and mode of working properly understood these many years in Lower Canada and he believed the present law could be still worked without all this new and cumbrous machinery.--He believed county municipalities better than Parish or Township, but public opinion seemed to demand the latter, and he would yield his personal views on that subject, and not vote against the second reading. The Attorney General was not the person to sneer at the hon. member for Haldimand about the want of success of his measures.<sup>44</sup> Il dit que M. Drummond n'a pas le droit, pour sa part, de se féliciter de la promptitude avec laquelle la mesure de la Tenure Seigneuriale et celle qui est en discussion aujourd'hui, ont été soumises à la chambre et sont devenues lois. Le bill municipal est devant le public depuis six ou sept ans, et il n'en est encore rendu qu'à sa seconde lecture--ce qui prouve que le procureur-général peut se vanter d'avoir législaté promptement sur cette question. Quant à la question de la Tenure Seigneuriale, il (M. D.) a présenté deux bills qui ont été mourir au Conseil Législatif. Le dernier qu'il a fait a été adopté par la chambre, mais le conseil l'a rejeté et en a fait un tout différent que le procureur-général a ignominieusement accepté et qu'il a fait passer malgré la majorité des représentants du Bas-Canada.<sup>45</sup> So many charges were introduced into it, indeed, that the hon. and learned Attorney General should have refused to accept them, or acknowledge his error respecting the proper mode of legislation on the subject--as a responsible constitutional minister was bound to do--by retiring from the Government.<sup>46</sup> Jusque-là il avait toujours soutenu que les seigneurs n'avaient droit qu'à deux sols pour leurs cens et rentes, mais le Conseil Législatif en a décidé autrement, et il s'est seulement soumis à cette décision, admettant par là qu'il s'était toujours trompé pendant tant d'années. Il a réellement droit de s'en féliciter aujourd'hui. (Écoutez! écoutez!)<sup>47</sup>

The discussion of the measure was continued in French by MR. POULIOT, MR. CHABOT, MR. THIBAudeau, MR. MARCHILDON, MR. O. FORTIER (Bellechasse) and MR. A. DORION<sup>48</sup>.

MR. POULIOT would vote against the second reading, though his views has (sic) been rather in favor of these institutions. His constituents, however, were opposed to this measure, and he was there to represent their views.<sup>49</sup>

MR. THIBAudeau would support the second reading as the jury clauses were to be withdrawn, but should endeavor to obtain alterations in the details in committee.<sup>50</sup>

MR. CHABOT supported the bill warmly. It was not true that the people of Lower Canada did not appreciate the benefits of Municipal institutions. No Ministry could stand a day which attempted to abolish them. When this measure came to be fully understood and fairly in operation among them it would give general satisfaction.<sup>51</sup>

MR. MARCHILDON opposed the bill.<sup>52</sup>

MR. A. DORION (of Montreal) quite agreed with the Hon. Mr. Chabot about the appreciation of Municipal institutions by the people of Lower Canada; but so full of defects was this bill of the Attorney General, that he was sure that if it were passed in its present shape no ministry would have a chance to stand that did not repeal it. If it passed at all it must be after it had been



altered from one end to the other, like the Attorney General's famous seigniorial bill.<sup>53</sup>

The second reading was agreed to<sup>54</sup>.

In moving that the bill be referred to a committee of the whole,

MR. AT. GEN. DRUMMOND spoke at considerable length. In the course of his speech he referred to Mr. Sanborn's remarks in regard to the member for Missisquoi. It was quite true that he (the Attorney General) opposed the return of the member for Missisquoi at the last general election<sup>55</sup> (as he had supported others)<sup>56</sup>. But why did he do so? Because he considered the policy he desired to see carried out was opposed by that hon. gentleman. But since that hon. gentleman came into the House he found that he had sustained the policy which he (the Attorney General) had in view. (Hear, hear.) He had therefore extended the right hand of fellowship towards that hon. gentleman as he was willing to do in any similar case, being willing to waive all private feelings in order to work with any man who was disposed to contribute to the public good. The member for Compton was quite indignant at the member for Missisquoi supporting him (the Attorney General) [and] at the idea of his displaying any Christian feeling towards him. He wished the member for Missisquoi to abstain from supporting the government, because one of the members of the government had opposed him at his election.<sup>57</sup> He knew nothing so terrible in that. It was assuredly much more gratifying and honorable to see men who had been opponents coming to work together to promote the public interest<sup>58</sup> (Oh!)<sup>59</sup> than to see one owing something to a public man desert him in that cause<sup>60</sup> [OR] without cause,<sup>61</sup> and needlessly attack him. It was much more statesmanlike and high-minded to forgive a political opponent than to desert or betray a friend.<sup>62</sup> It was more worthy and noble in a statesman to shew that he could forgive an enemy, than to maintain a grudge (Oh!) and there was one fact which he owed it to the member for Missisquoi to state. In the course of the late general election, he heard that hon. gentleman tell the people<sup>63</sup> [OR] the hon. gentleman had told him in the presence of others,<sup>64</sup> that he did not oppose the ministry, because he (the Attorney General) formed a part of it, but that on the contrary he wished to see him in any ministry that might be formed. On that point, therefore, there had been no change in the hon. member.<sup>65</sup> Was it wonderful then that they had not continued the political animosity displayed during the canvass for the country [after] they had entered that House. The hon. member for Compton had also referred, as had other hon. members to the alterations made in the Seigniorial Bill by the Legislative Council and his acceptance of them, and efforts to have [them] accepted by that House. Now the great object he had had in view in all his efforts had been the abolition of the tenure, the freeing of the land from the burdens it laid upon it. He proposed a bill to effect that object, and his bill passed that House; but the plan that has satisfied them did not satisfy the Legislative Council, and they substituted another plan to attain the same end. Was it his duty then to refuse to accept the change, based as the new scheme was on just principles as well as his own? He would have been ashamed of himself if he had done so--if he had allowed any feeling of obstinacy or personal vanity to prevent him from bringing such a great question to a solution. Had he done so, hon. members opposite would have been the first to blame him for a desertion of duty. When carried out that measure will prove the greatest possible boon to the country, and it would rather add to, than diminish his satisfaction at the result that he had secured it at the, at all events, temporary loss of some proportion of his personal popularity.<sup>66</sup>



MR. BROWN asked whether the payment of Jurors would be made out of the Consolidated Revenue or out of Municipal Funds.<sup>67</sup>

MR. AT. GEN. DRUMMOND said he intended to withdraw the clause that made it imperative on Municipalities to provide for the payment of Jurors. The Government would make some other provision but in such a way as would be no burden to the people of Upper Canada.<sup>68</sup>

MR. SANBORN questioned the propriety of an allusion by the hon. and learned Attorney General to any statement made by him in the course of private conversation, to the effect that he supported the late Ministry because he (the Attorney General) was a member of it. He would not deny the assertion, nor should he conceive himself justified in stating what took place at a private caucus, at which he was privileged to attend (if such had taken place) in which the hon. and learned gentleman had denounced any such coalition as that of which he is now part.<sup>69</sup>

MR. AT. GEN. DRUMMOND.--I deny having done so.<sup>70</sup>

MR. SANBORN had not asserted that such was the case.<sup>71</sup>

MR. AT. GEN. DRUMMOND.--The hon. and learned member has misunderstood what I said. I made no allusion to any private conversation. I merely referred to a fact notorious enough that myself and friends of the late administration supported him, and used every effort to secure his return at the last election, upon the understanding that he was a supporter of ours. As such he was elected.<sup>72</sup>

MR. SANBORN did not deny that he was elected by a supporter of the late Administration, or that his personal relations with the hon. Attorney General made him regard that Ministry with more favor than he otherwise would have done. But he was not elected to support the present Ministry. He was where he ever had been. It was the hon. Attorney General who had turned aside from his course. He supported the principles on which he was elected, and those which were sanctioned by his constituents. He trusted he should not be induced by private friendship or private enmity to depart from that simple line of duty<sup>73</sup> [OR] love of duty.<sup>74</sup>

MR. FERRES said what the Attorney General had stated respecting their interview during the canvass, was true; and having that much confidence in the hon. and learned gentleman then, believing him to have done the duties of his office well, was it surprising that he should regard him with a still more favorable eye, now that he was associated with those political friends with whom he (Mr. F.) had acted ever since he had mixed in politics at all? It was one thing to carry on as he had done, a fierce political war in the newspapers, another to discharge faithfully the duties imposed on him, as a member of that House. He had entered Parliament with a determination to let the past be forgotten, and, irrespective of old prejudices and animosities, to give his assistance and support to any Government which he believed to labor honestly to promote the best<sup>75</sup> [OR] true interests of the country.<sup>76</sup>

The bill was then referred.<sup>77</sup>

(717)

*The Order of the day for the second reading of the Bill to reform the Municipal System of Lower Canada, and to establish County, Parish, and Township Municipalities therein, being read;*

The Honorable Mr. Attorney General Drummond moved, seconded by the Honorable Mr. Cartier, and the Question being put, That the Bill be now read a second time; the House divided: and the names being called for, they were taken down, as follow:--

(717-718)

YEAS.

Messieurs Alleyn, Brodeur, Bureau, Burton, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Christie, Church, Cooke, Crawford, Crysler, Daly, Jean B. Daoust, Desaulniers, DeWitt, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Egan, Felton, Ferres, Ferrie, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Frazer, Galt, Gill, Guévremont, Hartman, Holton, Labelle, Laporte, Lemieux, Loranger, Lyon, Macbeth, John S. Macdonald, Mackenzie, Sir A.N. MacNab, McCann, Masson, Meagher, Merritt, Mongenais, Joseph C. Morrison, Angus Morrison, Munro, Murney, Niles, Patrick, Polette, Poulin, Powell, Prévost, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Thibaudeau, Turcotte, Valois, Wilson, and Yeilding.--(78.)

(718)

NAYS.

Messieurs Bourassa, Chauveau, Darche, Jobin, Laberge, Marchildon, Papin, and Pouliot.--(8.)

So it was resolved in the Affirmative.

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Friday next.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to vest in Edward Shortis, of Toronto, Esquire, the Road or Concession Allowance between Lots numbers fifteen and sixteen in the sixth Concession of the Township of Thorah," without any Amendment: And also,

The Legislative Council have passed a Bill, intituled, "An Act to amend the Act incorporating the Montreal Telegraph Company," to which they desire the concurrence of this House.

And then he withdrew.

A Bill from the Legislative Council, intituled, "An Act to amend the Act incorporating the Montreal Telegraph Company," was read for the first time.

On motion of Mr. Holton, seconded by Mr. Antoine Aimé Dorion,

Ordered, That the Bill be read a second time on Thursday next.

The Honorable Mr. Attorney General Drummond, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly of the 28th ultimo, for copy of Mr. Jarvis's Report relative to the Survey of the proposed Caughnawaga Canal, and the amount of the cost of such Survey as submitted by the said Engineer.

For the said Return, see Appendix, (G.G.G.)

Ordered, That one thousand Copies extra of the said Return, and accompanying documents, be printed in English, and five hundred Copies extra in French, for the use of the Members of this House.

*The Order of the day for the second reading of the Bill to regulate the Militia of this Province, and to repeal the Acts now in force for that purpose, being read;*

*The Honorable Sir Allan N. MacNab moved, seconded by the Honorable Mr. Cartier, and the Question being proposed, That the Bill be now read a second time;*

*Mr. Holton moved in amendment to the Question, seconded by Mr. Galt, That the word "now" be left out, and the words "this day six months" added at the end thereof;*

*And a Debate arising thereupon;*

MR. PRES. EX. COUN. MACNAB in moving the second reading of the Militia bill said it involved no new principle: it merely involved the rendering effective a force already in existence. He hoped he should be able to prove that it was called for.<sup>78</sup> Its details could best be discussed in Committee of the whole. He did not consider it so perfect that it could not be amended with the assistance of hon. members who desired to have the defences of the Province at a period like the present placed on a proper footing.<sup>79</sup> He had desired to go on with it, but the Municipal Bill of his hon. and learned friend having been long before the House and standing before his bill, and he being very anxious to take it up, the Government had consented, though he had been very anxious to go on with the Militia Bill in the early part of the *(sic)* day. With regard to the bill itself, the Government had decided to change the clause which made the act a permanent one.<sup>80</sup> He had said almost everything about it that he could see any necessity for saying, but he might add that in Committee a clause would be inserted limiting the operation of the Bill to a period of three years and to the end of the next session of Parliament thereafter.<sup>81</sup> All but the volunteer corps was already provided for by the law as at present existing; the bill before the House was only calculated to render that efficient which now only existed in name. It was not too much that at a time when the mother country was engaged in defence of the liberties of Europe, that this country should take upon itself some such provisions for its own defence if danger should arise, and for the security of order within its own boundaries. He believed this measure was a necessary and just one, and would be well received by the country, if passed.<sup>82</sup>

MR. MERRITT said he was much surprised to hear the hon. and gallant knight say that this bill involved no new principle.<sup>83</sup> He wished he could agree with him, but he thought the House would not be able to disguise from themselves or from the country that it involved an entire change in the colonial policy of the mother country in reference to Canada. (Hear, hear.) No new principle! Why, it was the introduction of an entirely new system, which they found had laid down in the Commissioners' Report in three separate and distinct propositions. The first related to the re-organization of the militia, the subject taken up in the present Bill. The second was that the Province of Canada should assume a part of the expense of its own defence--that they should pledge the revenue of the country to bear the cost of repelling military invasion. The third was to institute a Provincial Police, changing the whole system of our Municipal Institutions in Canada. As to re-organizing the militia he would be happy to support any Bill that would accomplish that object in a proper way, but he did not find that that was done by the measure now before the House.<sup>84</sup> The Militia Bill of 1846 may require amendment, and if the Commissioners had referred to the past history of Canada, they would have found a more simple and more effectual system



without subjecting the revenue to any expenditure.<sup>85</sup> He referred to the organization of the militia previous to the war of 1812. Under the Act of 1808<sup>86</sup>, 40 Geo. III. cap. I,<sup>87</sup> they had in Canada the most perfect organization of militia that was to be found in any part of the world.<sup>88</sup> [It] authorized the officer commanding each regiment to select two flank companies: they assembled for drill every Saturday, well armed and equipped, out of the military stores of the mother country, in whose war they were about to battle. After the Province was threatened with invasion, weekly drills were commenced, and were continued for about three months before war was proclaimed by the United States. On this event being notified to the captains of the different flank companies, the men were called out and assembled at different points and were on the march to the frontier in two hours. The different posts at Niagara, Lewiston<sup>89</sup> [OR] Queenston,<sup>90</sup> Chippewa and Fort Erie, were occupied and connected with regular patrols in 24 hours. No better proof could be required of the efficiency of that militia organization. Their zeal, bravery, and activity after being assembled was shown by their deeds.<sup>91</sup> (Here the hon. gentleman entered into the occurrences of the first campaign to prove the efficacy of the militia in 1812.)<sup>92</sup> There was at the time but one regiment of regular troops west of Kingston--the 41st--and Captain Roberts' company of veterans.<sup>93</sup> The militia did the rest. (Hear, hear.)<sup>94</sup> The two flank companies of the 49th arrived ... before the battle of Queenston. The first campaign carried on by this force closed after successfully repelling four different invasions, capturing two armies, and the Forts Detroit and Michilmackinac, and subduing the present State of Michigan and all the territories west of it. Although all credit was due to the six or eight hundred regular troops who served, ... it was evidently impossible for them to garrison all the forts and military posts and defend the frontier. The success of that campaign must be attributed to the bravery and efficiency of the militia and the Indians. He would put it to the common sense of every man whether it would not be safer and wiser to re-organize the militia in 1855 on the same plan which had proved so effective then. It was said that the proposed system was to be based on the same principle and similar in its details.--Quite the contrary.<sup>95</sup> There were various points of distinction between the present scheme and the organization then. The Imperial Government furnished the militia then with clothing, with arms, and with accoutrements, on the ground that they were doing battle for the mother country, in a war undertaken by that country. By the present Bill the Province was to bear the expense. (Hear, hear.)<sup>96</sup> It was proposed now also to construct armories, and keepers of them were to be maintained at the expense of the Province.--Then fortifications, &c., were constructed at the expense of the Imperial Government, at an expense of millions, and these served us as arsenals, these being now abandoned for practical purposes. Now, also, the Province is divided into 18 districts, creating a large additional number of officers at an additional unnecessary expense.<sup>97</sup> Then it was divided into no divisions.<sup>98</sup> Then the men were well drilled without pay until called out for active service. Then Volunteer corps of all arms were formed without pay or reward. Now it is proposed to pay that force out of the Provincial Revenue as well as a Police force. He believed no necessity existed now for any warlike preparation.<sup>99</sup> Why, with all the fortifications that already existed in the country, should they be put to the expense of building arsenals, &c., and that too when they had no despatches before them from the Home Government, shewing any necessity for this Province making any provision for its defences. The only information they had heard or seen was a minute of Council in reference to the Ordnance Lands, in which



allusion was made to a memorandum of a conversation between the late Inspector General and Sir Charles Trevelyan. But even that was not before the House, [and] they had no information as to the grounds they were going upon. If the gallant knight would shew that Canada was in the least danger of an invasion, no man would be more ready than himself to provide the means of her defence. But they all knew that at no period in the history of their country was there ever a better understanding with the United States than existed at the present moment. There was not a single armed vessel on all our frontier belonging to that Government, and their fortifications were fast going to decay, being abandoned, and without a soldier left in them, and when besides the United States, they knew that no earthly power could touch them except the Esquimaux on the north, what need was there for all these preparations? They were assuming an attitude of defence for which there was no necessity, and every man in Canada not interested in the new appointments would concur in this opinion. (Hear, hear.) The first intimation they had had of this scheme, for Canada to assume a part of her military defences was contained in a letter of Lord Grey, dated 18th March, 1851. The scheme then laid down was that Canada should incur a part of her own defence, except in so far as garrisons were to be retained at Quebec and Kingston. In return for this expenditure the Imperial Government would pay the Salary of the Governor General and would lend us the credit of the British nation for the developement of our resources and for public improvements. In connection with this scheme the organization of the pensioners to take the duty of constables was also recommended. This employment of the pensioners he (Mr. M.) had opposed, so did the Attorney General. He had always considered it an essential principle to leave to the inhabitants themselves the responsibility of preserving peace and order. In 1825 there were great riots on the Welland Canal, the Orangemen having resolved to drive off every Catholic from the Works. But order was restored by the civil force alone, by special constables sworn in, without the aid of any soldiers, militia, or police. He had never found the civil authority fail to maintain the peace anywhere but in Quebec. (Hear, hear.) At a subsequent period there were again riots on the Welland Canal. He found the police then employed inoperative, and dispensed with their services, and trusted to the men themselves to maintain the peace which they did. But, if they adopted this proposed Police system, and place them all under a central authority, a pretty state the country would be in. As to the expense of militia volunteers he thought they might take a good lesson from New York, where every man that did not serve as a volunteer, had to pay half a dollar as an equivalent for not furnishing equipments and [for] exemption from militia duties.<sup>100</sup>

MR. PRES. EX. COUN. MACNAB had not anticipated opposition from the honorable gentleman who had just spoken; for he had been a gallant militia officer himself, doing service in the times he had spoken of. Under the old system, if re-introduced, they would have some 100<sup>101</sup> [OR] 700<sup>102</sup> companies to be armed and drilled--a larger force and more expensive than they would know what to do with; and the burthen, instead of being borne by the whole country, would be cast on individuals.<sup>103</sup> The hon. gentleman might say there was no danger of an invasion, but at a time like the present, however quiet might be the appearance of things, every wise man would consider it a prudent thing to make preparations. The hon. gentleman objected to the Province bearing a proportion of the expenses of her own defence, but he, (Sir Allan) had no hesitation in saying that, under the circumstances in which the Empire was at present placed, if unfortunately a war should spring up with the United States, he should feel ashamed of the Canadians if they insisted on the whole expense being thrown on the British

people<sup>104</sup>, especially now when she was fighting the battles of freedom and civilization in Europe. No country in the world was better able to bear this by no means heavy burden than Canada--as no people had attained to a higher pitch of prosperity than they under the institutions they were called on to defend.<sup>105</sup> There was not a more efficient militia on the face of the earth than in the United States, and they were all volunteers raised according to the very scheme laid down in this Bill, a great portion of it being copied from the law of Massachusetts. He was surprised that the hon. member for Lincoln should have gone so much out of his way to find fault, but he was satisfied that of the 100 hon. members who had listened to his speech, 99 of them did not understand even yet what his objections to his Bill were.<sup>106</sup>

MR. HOLTON admitted that at the present moment some measure for re-organizing the militia was necessary, but he was not satisfied with that now before the House. He had no desire to approach the question in a party spirit, and he regretted that the measure now submitted was not of that character which would enable members on both sides of the House to support it with the unanimity which was so desirable on a subject of this kind.<sup>107</sup> Something was evidently necessary to be done, the troops being removed while Britain was at war with one of the foremost military powers of the world. He had hoped, then, that under the circumstances the Government would have brought down a measure calculated to secure the general approbation of the members of the house.<sup>108</sup> But the provisions of this bill which they were now called upon to weigh, involved such gross violations of privileges which Englishmen had been taught to prize above all price, that he was constrained to oppose it, and he should proceed to state, as briefly as possible, some of the grounds on which he did so oppose it. It had been a reproach frequently made against the present Government that the measures they had submitted were so-called Liberal measures at the hands of a Tory government--that they had taken up a work in which their hearts were not engaged, as the Attorney General East had said in reference to one of their most important measures. This, however, could not be said of the present bill. It was essentially a Tory measure, the very quintessence of Toryism<sup>109</sup>--he would endeavor to show.<sup>110</sup> (Hear, hear.) The first objection he had to the measure was that it went to impose on this country all the burdens of independent sovereignty without conferring the rights and powers of independent sovereignty. It proposed to charge on this country the cost of wars in the declaration of which, in the causes producing which, they had no share, and in the termination of which they had no voice. That he declared to be an essentially Tory idea, as it never would have occurred to a Liberal statesman to impose on a people the waging of a war without giving them any voice in the direction or finishing of that war. (Hear, hear.) The next objection he had to the measure was that it conferred on the Executive, on the Governor<sup>111</sup> appointed by a power 1000 miles away<sup>112</sup> who was responsible to the people, the power of the sword, and handed over along with it what had always in England been held to be the main safeguard of the liberties of the people, the power of the purse. To prove this assertion, that it placed in the hands of an irresponsible Governor the power of the purse, he had only to quote the 114th section of the bill, as follows:--"All sums of money required to defray any expense authorized by the Act, may be paid out of the Consolidated Revenue Fund of this Province, upon warrant directed by the Governor to the Receiver General; and such warrants may be made in favor of the Adjutant General of militia, to enable him to pay such expense, or in favour of the party directly entitled to the money." (Hear, hear.) He repeated that this was essentially a Tory idea, and he would like to see the Liberal member of

this House, elected by a Liberal constituency, who would affirm so monstrous a doctrine. (Hear, hear.)<sup>113</sup> The salaries of the officers and pay of the men were not to be subjected, as in England, to an annual vote, but were granted by the Bill en permanence.<sup>114</sup>

MR. PRES. EX. COUN. MACNAB.--No, they would be voted annually.<sup>115</sup>

MR. HOLTON.--It was not so set down in the Bill.<sup>116</sup> It was a war measure in a time of the most profound peace with the only country with which we had any possibility of ever coming into collision.<sup>117</sup> Again, the measure was directly aimed, as one of hostility, at the United States<sup>118</sup>. And it was all the more offensive that it was distinctly made irrepealable during a war with the United States. Where in the whole history of England could they find a parallel to this, of a minister framing a bill with special reference to a state of war with some nation, with which at the time England was at peace? It was nothing short of throwing down the gauntlet to the United States<sup>119</sup>, inviting or challenging their hostility.<sup>120</sup> (Hear, hear.)<sup>121</sup> Another most objectionable and decidedly Tory feature of the Bill,<sup>122</sup> was that it made every man a soldier, and compelled him not only to serve in the defence of his country, but to become part of an offensive force to serve out of the Province.<sup>123</sup> No such provision existed here or in the United States, or he believed in England. The militia was essentially a defensive force, and in England, even at the present time, in the midst of war, the government hesitated about resorting to compulsory enlistment.<sup>124</sup>

MR. PRES. EX. COUN. MACNAB.--The same provision is now in the Militia Act at present in force.<sup>125</sup>

MR. HOLTON.--Well, it should not be there, and did not, he believed, exist in either of the countries named. And he doubted very much whether the yeomanry of the country were prepared to become soldiers, and go out of the country to fight the battles of a quarrel in which they had no voice, at the bidding of an executive officer wholly irresponsible to them.<sup>126</sup> Even in England, although forces were so much required for the Crimea, the ministry shrunk from proposing an enforced enlistment. And why? Because Englishmen revolted at such tyranny. And yet they proposed to convert the whole population of this country into a soldiery, like an army bound to serve beyond the realm.<sup>127</sup> The obligation of every man to serve in this manner, when drafted, or find a substitute, was, he repeated, a peculiarly arbitrary and Tory measure.<sup>128</sup> (Hear, hear.) Another objection he had to the measure was that it was irrepealable in the time of war. That, he conceived, would be the very time when new legislation would be required. (Hear, hear.)<sup>129</sup>

MR. PRES. EX. COUN. MACNAB had already stated that that clause would be changed in Committee.<sup>130</sup>

MR. HOLTON.--Another clause was one which might have suited the hon. and gallant premier better during a former portion of his career, before he threw away his high notions of loyalty. He referred to that<sup>131</sup> clause which enacted the inferiority of colonists fighting on their own ground at their own cost to natives of the British islands. The 71st clause provided that "officers of Her Majesty's Regular Army shall always be reckoned senior to all militia officers of the same rank, whatever be the dates of the respective commissions; and colonels appointed by commission signed by the Commander of Her Majesty's Regular Forces in Canada, shall command Colonels of militia, whatever be the date of their respective commissions."<sup>132</sup>



MR. PRES. EX. COUN. MACNAB.--That is the law now.<sup>133</sup>

[MR. HOLTON continued:] Yes, it was the law now, but we did not pay for the defence of the country now.<sup>134</sup> [He] said the case would be very different when this bill came into operation, the idea of the bill being that we were to make an army of our own, fighting our own battles at our own cost. And yet it was provided that officers of British regiments should take precedence over officers of equal rank of our creation.<sup>135</sup> It required only a very slight acquaintance with the past history of America to be aware, that this assumption of colonial inferiority--or which subjected Washington and the other great men of the<sup>136</sup> thirteen colonies in the command of imperial officers, was one of the chief causes which led to the revolution; and he could not understand how, with this example before his eyes<sup>137</sup>, ignoring the commonest principles of human nature, and disparaging the patriotism of the country,<sup>138</sup> a Prime Minister of Canada was prepared to declare his belief, by an act of legislation, that an Englishman born in Canada was not as fit to command a corps raised in and paid by Canada, as an Englishman born in England.<sup>139</sup> (Hear, hear.) He conceived that this measure was entirely unnecessary. In a time of peace all this shew of war-like p[r]eparations was quite uncalled for. He had no doubt that if the emergency ever arose, if the time should unfortunately come when this country would find itself embroiled in hostilities with its neighbours--he had no doubt, if the quarrel were just, and the hearts of the people were in it, they would be able to defend themselves against any enemy that might come against them. (Hear, hear.) But all these trumpery preparations of men called out to waste their time and energies, vitiating the habits of their youth, and entailing great expense on the country, would be found utterly useless, when the emergency contemplated really arose, and they would have to begin de novo, all their previous preparations being of no avail. (Hear, hear.)<sup>140</sup> The creation of a large paid staff of some sixty or seventy individuals--an Adjutant General, two Deputies and eighteen Assistants, two Inspecting Field Officers, and a large number of paid Sergeant Majors, Storekeepers, &c., creating an unnecessary expense.<sup>141</sup> The last consideration he would urge in opposition to the bill was the enormous patronage which it needlessly and as a means of corruption, placed at the disposal of the Executive of the day. (Hear, hear.) He had thus adduced what he considered some valid reasons why he thought this measure should be rejected, reserving his observations on the Police scheme of the Government, till their intended Police Bill should be submitted to the House. Presuming that his honourable friend from Renfrew intended to support the measure, he was exceedingly anxious to hear from him how he could harmonize those of its provisions which he had pointed out with those principles of constitutional freedom for which he had battled all his life. He thought it would puzzle him somewhat to do so.<sup>142</sup> He could not understand how a Liberal statesman could support all these Tory provisions: and might reasonably expect his honorable friend the member for Renfrew, would offer it op[osition]<sup>143</sup>. There were one or two members of the present Government also at whose hands he was surprised to receive such a measure. It was quite in keeping with the antecedents and instincts of the gallant knight, and of the Provincial Secretary, whom he considered as having been long one of the most persistent Tories in the country, and of the honourable gentlemen also who sat behind them. (Messrs. J.A. Macdonald, Cayley, and Cauchon.) But from the Postmaster General he would have expected something better six months ago. Since however, in an evil day for his own political character he allowed himself to be enticed into the company--enlisted into the service--(laughter)--of the gallant knight, the Postmaster



General had forfeited all his confidence, and he should not now be surprised at any measure, however arbitrary, however inconsistent with his past professions, to the introduction of which he should be a party. (Hear, hear.) He was surprised, however, to find the Attorney General East, and another member of the Government, not having a seat in this House--(Mr. Ross)--to find those gentlemen parties to such a measure. If they could raise the veil which covered cabinet secrets, they would probably find that both gentlemen had in Council opposed the obnoxious provisions which he had pointed out. (Hear, hear.) In one of the preliminary discussions on this bill, the gallant knight had seemed disposed to raise the old loyalty cry in connection with it, and to denounce as disloyal all who should venture to oppose his bill. He had thought the gallant knight's loyalty had gone out in a blaze some four or five years ago, and that they never would hear any more of it. (Laughter.) He thought all reference to loyalty or disloyalty in this connection much out of place, but he would say that he (Mr. H.) [would] yield to no man in this House or out of it in loyalty to his sovereign, and in veneration for those institutions under which existed at this day a larger degree of individual freedom and a higher phase of civilization than the world had ever known. (Hear, hear.) And perhaps when the day of trial came, those now sneered at as annexationists would be found to do as good service as gentlemen whose lip-loyalty was being continually paraded in this House (Hear, hear.) He begged to move in amendment that the bill be read a second time this day six months.<sup>144</sup>

MR. HINCKS had at one time hoped that a bill of the importance of the one now submitted to the house would pass without opposition; for he thought it much to be regretted that any member could put obstacles in the way of a measure so absolutely necessary. Of all men, too, he was surprised that the member for Lincoln should be the first to speak against the bill,<sup>145</sup> considering the position that gentleman had occupied in the militia, his previous career, and the manner in which he distinguished himself in the war of 1812. The hon. member for Montreal had referred particularly to him (Mr. Hincks,) but it was remarkable that he should consider it inconsistent for one who had battled, as he said, for constitutional freedom, or who was member for a liberal constituency, to support a measure providing for the defence of the country.<sup>146</sup> Notwithstanding these things, he was at a loss to know what should prevent him or the other liberal members of the house from voting for this bill.--There was nothing inconsistent with political liberality in providing for the defences of the country; and if any force was less objectionable than another, it certainly was the militia--the force of the people themselves, or, as was now proposed, of volunteers. That he at least was not inconsistent in desiring the militia force was evident from the fact that the Government to which he had belonged had obtained a grant for the purpose. True, they did not take any action upon it, but if they did not, it was the subject of most anxious deliberations<sup>147</sup> of the late Government, of which he was a member,<sup>148</sup> that only ended in nothing, because no scheme had been hit upon as good as that now submitted by the Government, after a report which he thought highly creditable to the gentleman who prepared it, than whom none were more fit to take such a subject into consideration, and give the country the benefit of large experience.<sup>149</sup> At the time to which he referred, the subject was brought forward entirely irrespective of any proposition of the Imperial Government, as to any change in the colonial policy of the empire, but solely with a view to the improvement of the militia of the country, and from the correspondence which he and other members of the Government had at that time, he was satisfied that there was a very general feeling in

Upper Canada especially, in favour of a volunteer corps.<sup>150</sup> The Government thought it due to persons who thus came forward to defend the country that they should get something in the shape of an indemnity for necessary expenses, which, as provided by this bill, was after all but a very paltry indemnity.<sup>151</sup> He denied, therefore, that the present proposition had been in consequence of any change in the colonial policy of the empire with regard to Canada. The last despatch he had seen on the subject was as strong as any document that had emanated from the British Government had ever been, as to their determination at all times to defend this country against any foreign enemy. That was a despatch of the Duke of Newcastle's, and of recent date.<sup>152</sup> The reference by the member for Lincoln to the Militia Law of 1808, was beside the question. Then the Imperial Government furnished arms and accoutrements, and very properly, because the country was involved in a war entirely irrespective of the will of the people of the country; so she would again under similar circumstances; but now the circumstances were different, and the people must defend themselves.<sup>153</sup> It was a most extraordinary thing to be told that organizing their militia was a war measure, when they knew that in every part of the United States they had an organized militia, and particularly these volunteer corps in a high state of efficiency, and yet they were to be told that they were to stand with their arms folded, and do nothing till war actually came upon them. He would ask if any honourable gentleman was justified in using such arguments, after what they had seen in England. Was it not the universal feeling, that they had not sufficiently prepared for war in the time of peace? (Hear, hear.) But he denied that this bill involved any change in our present institutions. It was simply a reform--if they chose to call it so--in our present militia law, which was now wholly inefficient.<sup>154</sup> It was merely a reform in the manner of keeping our militia on foot, and to give some encouragement to the formation of volunteer corps. The financial views of the member for Lincoln were known to be peculiar; but when he talked about the way the State of New York paid for these things, he ought to know that they paid them half-a-dollar a head for the militia. Here it was proposed to pay out of the consolidated fund--that was all the difference. In both cases alike the money was paid by the people of the Province, and if he wanted to change indirect for direct taxation, he certainly could not appeal with any confidence to the people of Lower Canada.<sup>155</sup>

MR. MERRITT said that the difference was this--in New York the men who volunteered paid nothing.<sup>156</sup>

MR. HINCKS.--Well, here they were to be relieved from any duties, which they must otherwise perform, and all that these young men paid to the revenue would amount to a very small sum. The honorable member for Montreal had said that the burdens of independent sovereignty were thrown on the Province, while he had no means of making our voice heard for or against peace or war. But there was nothing in this measure to warrant the gentleman in saying that we assumed these burdens.<sup>157</sup>

MR. HOLTON.--Was not the Province to pay for the Militia?<sup>158</sup>

MR. HINCKS.--Certainly: to pay the expense of our own militia.<sup>159</sup>

MR. HOLTON.--For service abroad.<sup>160</sup>

MR. HINCKS.--Well he was quite ready to join the honorable member in taking out anything that might seem to impose the payment of an army to go abroad. But these volunteer companies might be wanted in case of civil commotion, and he

wanted to know whether there was any reason why the Province should not pay them if it called them out? Every person who had ever been in the Government must know the great inconvenience<sup>161</sup> they experienced in having to apply to the troops in such emergencies.<sup>162</sup> The presence of the troops from England prevented the Province from relying on itself, while the military officers rightly objected to act as police.<sup>163</sup> They were here to defend the country, and not to act as police in suppressing riots.<sup>164</sup> The 4th objection was that the bill made every man a soldier. That was not the case more than was done by the present bill. The reference to forced enlistment in England had nothing to do with the matter, for there the question related to foreign service, not to defence.<sup>165</sup> The question of precedence of officers of the regular army over militia officers of the same relative rank, in the event of a war, he looked upon as a very small matter. For example, in the event of a war, the gallant Colonel of militia, the honourable member for Glengarry, would not, he believed, very strongly object to a colonel of the army, who had seen active service, taking precedence over him.<sup>166</sup> Could it be right that he should take a rank of junior colonel in the regular service who had served at Inkerman or Alma. He confessed that he was probably less informed than the member for Montreal as to the old Colonies and the United States, but he had always understood that the revolution was caused by very different reasons from complaints on this subject. He admitted that any discussion about loyalty was here entirely out of place, but nothing had been said about it till it was introduced by the member for Montreal.<sup>167</sup>

MR. HOLTON.--It was brought up on the first reading of the bill.<sup>168</sup>

MR. HINCKS did not, however, agree with the member for Montreal, that the way to deal with questions of this kind was to wait till emergencies arose.<sup>169</sup> He believed there never was a time when there was less reason to apprehend any necessity for calling out the militia in defence of their country; but it should be remembered that this was not a proposition to do anything of that sort, but simply to keep up that organization, which had been kept up for many years in the States, and which every country, whether independent or not, should try to keep up.<sup>170</sup> It was exactly in periods of peace that preparations should be made for emergencies. For a long time the Imperial Government had been considering the propriety of reducing its forces in Canada; but no final decision had been come to when the war required them to concentrate all their force abroad; but, even then, what had Canada to complain of? If we had few troops, he believed even now we had more than Scotland.<sup>171</sup>

MR. WILSON.--We make no complaints.<sup>172</sup>

MR. HINCKS.--Well, being thus obliged to withdraw troops, the whole subject was considered again; and he had had a conversation with the Duke of Newcastle and<sup>173</sup> Sir Charles Trevelyan, to which the member for Lincoln had alluded,<sup>174</sup> as to the Imperial Government handing over to the Province the Ordnance Reserve Lands, many of which have been paid for out of Imperial funds. Upon these reserves pensioners had been placed in a way that gave great dissatisfaction, he believed at<sup>175</sup> Niagara, Toronto and London,<sup>176</sup> and he was told that the Imperial Government was prepared to give up these lands, with the exception he thought, of some at Montreal, Quebec and Kingston, on condition that the Province would assume the payment of compensation to the pensioners.<sup>177</sup> The member for Lincoln still objected to the measure for organizing the pensioners, but he (Mr. H.) did not think the province had much to complain of in that matter, as they got their services whenever they required them, and that too at a very moderate price.<sup>178</sup>



Then the member for Montreal had objected that this act was to be permanent. In New York it was permanent; but here it was proposed to limit it not for a very long time, and that would give time for the country to say whether they approved it or not.<sup>179</sup>

MR. CAMERON regretted very much that his honorable friend from Montreal, seconded by the honorable member for Sherbrooke, should have thought it necessary to move that the bill be read a second time this day six months. He could not help thinking that they would have taken a better course, had they, like other hon. members, been willing to let the bill pass a second reading and then bring forward their amendments when it went into Committee.<sup>180</sup> One could not understand how a measure of such a kind could be opposed, and except it was in the case of the proposition to call out 20,000 of a militia, he believed a precedent for such conduct could not be found in England; but in England the question concerned an actual calling out of the militia when apprehensions were entertained of an invasion from France, and was not like this, a mere question of organization.<sup>181</sup> He did think, also, that the hon. member for Montreal should have made himself better acquainted with the Militia Law, as it is, before coming down with an attack on the bill now before the House, in the course of which he showed that he did not know what were the provisions of the law now in force. The honorable gentleman should have been prepared with some better reasons against the bill, than those generalities which he did give, and those high-sounding sentences about the power of the sword, and the power of the purse, which, however beautiful in expression, had no application to the matter before the House. He supposed he was not one of those liberals from whom the member for Montreal would have expected different things. He supposed that he was to be taken as one of the ancient Tory class of politicians; but, although the member for Montreal had spoken about loyalty, he had no desire to enter into the discussion of that question with him. He was prepared to say, however--and he was ready to say it here, or anywhere else--that this country ought to be proud in the position it had reached, both in regard to material wealth and population; it ought to be proud, should it ever have an opportunity to come to the assistance of the mother country, from which it had, in a great measure, sprung; and that, in such an emergency,<sup>182</sup> [it] ought neither to be afraid nor ashamed<sup>183</sup> [and] nothing should deter them from giving their assistance to that Empire which had protected them in their infant state. (Hear, hear.) If for no other reason, he was not afraid to say that he would be glad to see these volunteers enrolled, because, in some future day, they might form the nucleus of a force, through which, some portion of our strength might be given to aid that mother country. Perhaps it was due to his Tory nature that he should look at the matter in that light; but he was prepared, at the same time, to show that this measure did not in the least trench on constitutional principles.<sup>184</sup> It was to him a pride and pleasure to see such a thing going forward, and far from thinking it an interference with constitutional principles, or being a cause to make us demand annexation or independence, he thought it a most excellent thing to apply ourselves to meet external invasion or put down internal commotion.<sup>185</sup> They were asking no more in this country, than the regulation and management, within ourselves, of the force which every country, with a population as great as ours, ought to possess. They could not conceal from themselves that they were on the borders of another country, which, though not hostile now, and though everyday it had been drawing closer to us, in bonds of amity and friendship--yet they could not but feel that, in days gone by, they had been in a state of hostility, and an occasion for hostility might arise again. In such



circumstances, they could not but feel how useful would be some preparations, some nucleus of a force among ourselves, especially when that neighbouring country had that nucleus on such an extensive scale, that nine-tenths of the whole men employed in the Mexican war, were drafted, not from the regular army, but from the militia of the country<sup>186</sup>. Why should we, placed in a position similar to theirs, not be prepared in like manner, with an effective militia of our own?<sup>187</sup> Were they, then, on account of any constitutional objection, that they had not the power to declare war or to terminate it--were they, on that account, to make no preparations to defend themselves? Were they to allow themselves to be tied hand and foot, and delivered over to the enemy, because they were a colony, and not an independent sovereignty? The hon. member for Montreal objected to the provision<sup>188</sup> [which] authorized the Governor to send the militia out of the Province<sup>189</sup>; but he did not state that this would only be in the event of war with a foreign country, and for the safety of this Province itself.<sup>190</sup> [He] did not know that precedence was given by the present law to regular over militia officers.... [He] did not know that the same thing was law in the State of New York<sup>191</sup>. Nor did he state that, in the event of a war, all the expenses would be borne by the Home Government--this country only paying for the days the militia were being drilled.<sup>192</sup>

MR. GALT. You are quite wrong; read the 70th clause.<sup>193</sup>

MR. CAMERON read: "The militia so called out shall be paid by the Province at the same rates of pay as the troops of Her Majesty may then receive, and shall have the same allowances and advantages; and the Province will make provision in like manner for the support of such as shall be disabled, and for the widows and children of those who may be killed while on active<sup>194</sup> [OR] actual service." (Hear, hear.)<sup>195</sup> And he said that he had been talking about the volunteers when he said they were not to be paid by the Province, except during drill.<sup>196</sup>

MR. WILSON. It is the same for all.<sup>197</sup>

MR. CAMERON.--But supposing<sup>198</sup> a war was declared, and the militia called out, would it be said that we should do nothing towards the defence of the country, and bear no portion of the burden?--especially as the war would be undertaken for our defence, as it was well known that, if we desired annexation, Great Britain would not fire a gun, or draw a trigger, to prevent it. Would it be said, if we were invaded, if war was declared against us, that we should have all the protection of Great Britain's fleets<sup>199</sup> [OR] her forts<sup>200</sup>, and armies, and bear no portion of the burden ourselves? He was not prepared to admit that doctrine<sup>201</sup>. He was prepared to go to the people of this country, who were of a kind and noble nature, and who felt that they ought to bear part of those burthens themselves--he was prepared to go to them, whether to tory constituencies or liberal constituencies, and to take all the praise or censure of such a proposition as the one before the house.<sup>202</sup> The hon. member for Lincoln, in reference to the expense of the present measure, spoke as if this Province would be placed in a much worse position under it than any of the neighbouring States. But what was the fact? Why, that the militia of New York city<sup>203</sup> in the year of the Astor riots,<sup>204</sup> cost \$200,000 per annum, and of New York State \$600,000--an expense very greatly exceeding that to which this country would be put. He was surprised that those who were so fond of republican institutions, and who were continually quoting American precedents, had left this out of view.<sup>205</sup>

MR. HOLTON.--I have not quoted an American precedent to-night.<sup>206</sup>

MR. CAMERON.--It is not long since the honorable gentleman wanted an American President. (Laughter.) He could hardly imagine how those gentlemen, many of whose views tended to annexation with the United States, could object to a measure of this kind, the object of which would be in one particular at least to assimilate our institutions to those of the neighbouring republic.<sup>207</sup> He had himself had various objections to the bill, but they had been removed by the gallant Knight, and he had no doubt but other objectionable parts of the measure might be still amended. He believed, for example, that in any legislation of this kind, the power of the Legislature to vote annually or refuse to vote, ought to be preserved here as in England, upon the questions of supply for the army and navy. There could be no difficulty about removing this objection, or any other that should arise from an apparent intention to establish a force en permanence, if found opposed to the desire of the people of the country.<sup>208</sup> He did not think that the people of this country would be averse to this measure. He believed on the contrary that the general feeling would be to prepare against danger, now when danger was least apprehended<sup>209</sup> [by] placing the armed services of the country on the best footing while at peace with our neighbors. When this was done, the country would have done its duty to itself, and also to that mother country to which she owed so much.<sup>210</sup> He thought England had a claim on them--a claim which they would most readily respond to--and if the emergencies of this war, the termination of which no one could foresee, should require the withdrawal of all the troops of Great Britain from the continent--if they should be required to defend for England her forts and arsenals in this country and to hold them on her behalf--he believed they would show to England that the appeal was not made on them in vain. With the feelings of attachment which the people of this country entertained towards England and with the knowledge that she had given us the power of self-government, that she had treated us not as children but as full grown men, he believed they would shew to England that they could hold for her in trust those forts and those arsenals as safely as if her own fleets and armies were keeping and guarding them. And no better proof could be given to the people of England who might desire to emigrate here of the perfect confidence they might have in the stability of our institutions, than by assuring England that that would be the case, and for that if for no other reason he would like to see these volunteer corps raised. He could not help remembering that in the old days when what were now the United States were colonies of Great Britain, those old colonies contributed both men and money to England's wars--and that too at a time when they had not that system of Responsible Government which we enjoyed, when they were tied down and hampered<sup>211</sup> under the old system of Imperial interference<sup>212</sup> that afterwards caused them to revolt. Yet notwithstanding all those drawbacks, those colonies scrupled not to give men and money, to pour out blood and treasure on England's behalf--troops were raised and deeds performed which were not yet forgotten. How much more incumbent would it be on this Province to tender that service to the mother country, should the necessity ever arise. What England had denied to those colonies, she had given to us. That constitutional government which she denied to them, she had given to us. (Hear, hear.)<sup>213</sup> But when it was said that one complaint of the old Colonists was that their superior officers had to submit to the precedence of regular officers of the same rank, [he] should reply that that was the complaint of General Washington, as we know from his letters, but that it was not the complaint of Colonists at large.<sup>214</sup> Notwithstanding that they were deprived of those constitutional rights and that freedom, which as the descendants of Englishmen they had a right to claim, those old colonists were willing to come

with their treasures and their best blood to England's assistance in England's day of trouble. Should we, under similar circumstances, hesitate<sup>215</sup> [OR] be ashamed to do so too. The occasion could never present itself except when our soil was invaded, or when Great Britain was at war with the United States; and if that time<sup>216</sup> should come, and if we should still consider it better that the red cross flag should continue to float over our heads, than that we should live under the star-spangled banner, many of whose stars were sadly beclouded by the stripes underneath them--but if that red-cross flag is the flag under which we desire ourselves and our children to exist, depend on it the people of this country would not then grudge that their representatives in Parliament had put them into a position in which they were enabled to defend their own soil against foreign aggression.<sup>217</sup> Our children would not think the worse of their fathers for having accomplished any act which would enable them to protect their native land, or to carry the war into the territory about to attack them.<sup>218</sup> With those constitutional rights and that freedom which we now enjoyed,<sup>219</sup>--the right to legislate on our commerce, on our revenue--<sup>220</sup>England having given us everything we could reasonably claim, and placed us in a prouder position than any of England's colonies ever before occupied<sup>221</sup>; lightly taxed,<sup>222</sup> we would be unworthy of the name of British subjects, if, instead of making it our boast and our pride to think that on some future day we might be in a position to come to England's assistance, this House<sup>223</sup>, the member for Montreal and Sherbrooke,<sup>224</sup> should fall below that feeling so far as to be induced to throw out a measure of this importance for the regulation of our militia.<sup>225</sup>

MR. MARCHILDON, in an amusing speech, attacked the Government scheme in a style that for about twenty minutes kept the French portion of the members in one continued roar of laughter.<sup>226</sup> [He] feared the volunteers, unless drilled better than was proposed, might fire butt-end foremost.<sup>227</sup>

MR. GALT expressed his satisfaction that the amusing remarks of the last speaker had to a great extent relieved the House of the eloquent speech of his hon. friend from Toronto, who was able to clothe an idea in such fine language that his auditors were very apt to lose sight of the sense which that language was intended to convey. (Hear, hear.)<sup>228</sup> With all that fell from that gentleman in reference to Great Britain and the reasonable expectations she may form as to the behaviour of Canadians, there was not likely to be much difference of opinion. Without appealing to the past, as the hon. gentleman had done to teach us our present duty, there was scarcely an individual who would contend that it was not our duty and inclination to support in any just cause the country with which we were connected. But the course of the remarks of the members for Renfrew and Toronto, was to separate the House from the facts, and to substitute for the bill the idea of British connection. He contended that the question of British connection was not before the House; the simple question being the reorganization of the Militia. But if the member for Toronto was to be believed, that was not the principal object of the measure. According to him--and he was confirmed by the member for Renfrew--the great result intended by the administration was the creation of a volunteer force that might be made available for purposes foreign to the interests of the Province<sup>229</sup> [OR] available for interests of the Province,<sup>230</sup> and he adduced in support of the propriety of endeavoring to obtain such an object, the example of the volunteer force from the United States, which carried on the Mexican war. Now, if the bill were to be regarded as a war measure, and that was the way in which the member for Toronto viewed it, he contended that it was perfectly inadequate. Five thousand



volunteered (sic) to be drilled ten days in the year, was something for the purpose of serious defence, utterly contemptible. For such a purpose it was a challenge to a friendly nation; but no preparation such as a warlike emergency might demand.<sup>231</sup>

MR. HINCKS.--Are their troops a challenge to us.<sup>232</sup>

MR. GALT was not discussing their laws or their mistakes; but our own. It was answered to some objections that the provisions objected to were in the old law; but again he was not discussing the old and inoperative law; but a new law which was intended to be operative, and he thought the great novelty ought to be separated from the rest, and the volunteer companies discussed on a different occasion from the Militia. They were evidently totally different. The volunteer companies were to be disposed of in such a manner that they could not serve as nuclei for the Militia, and they ought not therefore to have been introduced into a bill for the reorganization of the Militia.<sup>233</sup>

MR. PRES. EX. COUN. MACNAB.--They are to form a battalion, when the Militia are to be called out.<sup>234</sup>

MR. GALT.--But that is the very inconvenience; [it] is only when all are called out that they are to serve together, and then the volunteer companies could be brought from distant parts. But leaving these things, there was one point not yet touched on; he found the bill was based upon a despatch from the Imperial Government. Here the honorable member read a passage from the Militia report<sup>235</sup>:

"And moreover, it must be remembered that the Imperial Government are prepared to hand over to this Province a large and very valuable amount of Ordnance Lands, in consideration of the Provincial Government making ample provision for the ordinary defence of the Colony, and occupation, by a local force, of those posts which, in the event of war, require to be garrisoned by British troops, as will be shown by the succeeding portion of this Report on the subject of the surrender of the Ordnance Reserves in Canada."

The portion of the Report above referred to, read as follows:--

"The Commissioners, after an attentive consideration of a despatch from the Secretary of State for the Colonies, which has been brought under their notice, in which an offer is made by the Imperial Government to surrender all the military reserves in the Province, with the exception of such portions of these lands at Kingston, Montreal and Quebec, as are essential to the military defence of the colony, in consideration of the Provincial Government making ample provision for the ordinary defence and protection of the Province--

"They are unanimously of opinion that this offer should be accepted; and in order to carry out the conditions they recommend, with reference to a Report made on this subject by the Lieutenant General commanding the forces in Canada, that the lands and buildings at the several localities set forth in Schedule G, attached to this report, be retained for the purposes of military defence generally.

"As, however, the whole of the lands in the Schedule referred to will not be wanted for purposes of defence, the Commissioners recommend that such portions of these lands as are not so required, together with the remaining Ordnance and Naval lands in the Province, as set forth in Schedule H, attached to this report, be sold, and the proceeds applied to form a fund for the general defence of the Province."



[He] ... understood from this, and also from some remarks which had fallen from the hon. member for Renfrew, that the government were in possession of some despatches on this important subject from the home government which had not been communicated to the House<sup>236</sup>; and this was confirmed by the fact, that the conversation alluded to by the member for Renfrew, referred merely to ordnance reserve lands, while the report spoke of all the ordnance lands.<sup>237</sup> It would be difficult to convince him or this House that at a time when the empire was engaged in an extensive war like the present, the British government should have neglected to write to the executive of this country on the important subject of the defence of this province in the event of its becoming necessary. He could not believe that the gallant knight would have taken the responsibility of recommending the passing of a bill which must seriously affect the interests of the empire at large with reference to its North American possessions, without having one word of communication with the home authorities on the subject.<sup>238</sup> It was said in the report that the British Government would give 5,000 stand of arms. He had no doubt they would in the event of war, but in the meantime he would like to know on what grounds the hope of the Commissioners was based. Without that, however, he had no difficulty in coming to the conclusion, that the bill was not merely for the organization of the militia, but was intended to go beyond that and to provide nuclei for a standing army. This opinion was fully borne out by the arguments of the member for Toronto, and it therefore became the House to look with jealousy upon what was being done. Had the law been merely intended to give greater efficiency to the constitutional force of the country, every one would have supported it; but instead of that it placed 5,000 men at the disposal of the ministry. At the same time it provided, that in case of war with the United States--which though it would deluge the country with blood, might arise out of a quarrel in which we had no concern--it provided, he said, that we were to be at the expense of keeping a militia under arms. He did not believe that Great Britain could have asked this colony to incur all these expenses entailed by a war with the United States, and even after the war to pay for the relief of all that may suffer in the conflict. At any rate, the people of the country, like those in England, ought to have in their own hands the power of granting or refusing the supplies, year by year.<sup>239</sup>

MR. PRES. EX. COUN. MACNAB.--I agree to that.<sup>240</sup>

MR. CAMERON.--I say that too.<sup>241</sup>

MR. GALT wished to deal candidly with the gallant knight, and not to press his objection to a point which it was not intended to maintain. The member for Toronto had appeared to think, that the clause he was now discussing applied only to the militia, but he would find it applied equally to the volunteers. This clause was one of the greatest objections to the bill, and if it were erased it would no doubt greatly influence the judgment he formed upon it. Another thing which he understood to be conceded was, that an annual grant should be taken for the supplies. This, of course, made it an annual bill, because by stopping the supplies, you stopped the payment of the troops. He did not concur in the necessity of paying the volunteers, and was confirmed in his doubt on the subject by a conversation he had lately had with a militia officer of Montreal, who informed him that 200 young men were willing to serve without pay at all, on a condition which he thought perfectly right, viz., that they should choose their own officers<sup>242</sup> [OR] a portion of their own officers.<sup>243</sup> For his own part, he believed that would be essential to any volunteer force of the kind contemplated--for it is the officer who gets the men, not men the

officer. In fact, the amount of pay would not secure the services of respectable men; and if you obtained only those ready to serve for five shillings a day, you would not get a class particularly likely to be desirous of maintaining law and order. He need not go back to 1837, but he might ask, what would have been the result if the peace of the country had been committed in 1849 to volunteers? Would not a police force properly administered have been far better than such a force? He believed that volunteers were the most dangerous class of force to employ on such occasions, because they brought with them their political and other personal feelings. His last objection to the measure was the inroad that it would make on the revenue,—an inroad that would go on increasing yearly, because when once started, it would be impossible to restrict the force to 5,000 men. The House must be prepared to go further. The truth was that you could soon get plenty of volunteers if you would let them choose their own officers, though the policy of such a course was very doubtful; but in case of invasion, the militia only could be relied on. But he had no fear of war in this country, and he therefore did not like to see it exposed unnecessarily to a change of system that involved inconvenience and expense, and the placing of a large amount of patronage in the hands of Government.<sup>244</sup>

MR. WILSON began by attempting to show, that Mr. Cameron was wrong in supposing that under the existing law all officers of the militia ranked below officers of the same grade in the army; but Mr. Solicitor General Smith having pointed out that the honorable gentleman was in error, the latter confessed that he was so on that point, and then went on to say<sup>245</sup> [he] did not think it fair in the hon. member for Toronto to allude to the annexation ideas of his hon. friend for Montreal. Every one knew that at the period referred to the hon. member for Montreal was only following the lead of the gallant knight. No one, however, believed that the gallant knight was sincere on that occasion; it was only to answer a purpose, and he was sure the member for Montreal meant nothing more.<sup>246</sup> He ought to give credit to the honorable member for Montreal for having innocent motives<sup>247</sup>. The member for Toronto had appealed to some of the finest feelings of our nature, and had spoke in eloquent terms about our connection with England, but he had left wholly untouched the main arguments of the hon. member for Montreal. But there were other objections to this measure in addition to those urged by that hon member.<sup>248</sup> What he objected to was this—that the people of this country were called on to assume their own defence in danger, brought about by a quarrel in which they had no interest and no voice. We were beginning a standing army in time of peace. We said it was beginning with only ninety officers and a few men, but England began her standing army with much less force. He then alluded to the concession which had been made of the principle of annual grant instead of making the bill permanent for three years, and said that, if the remarks of the member for Montreal had produced nothing else, it was well worth all his trouble. [With] the increase of the patronage of the Government, which was also objected to, the bill might seem to some like the other objections—a very small thing; but everybody felt the evil of this patronage under responsible government, and he thought the member for Montreal quite right in making that objection to his bill.<sup>249</sup> The inefficiency of the militia under the present system had been spoken of, and he was free to admit that it required a better organization. Nothing more than a proper enrolment and classification was necessary, to be substituted for the pretended annual drill, and a measure for that object, separated from the organization of volunteer corps, would have his support.<sup>250</sup> He would cheerfully vote for the first bill.<sup>251</sup> He should vote against the bill, however, because it embodied

the volunteer system. Another objection to the scheme was that its effect would be to place arms in the hands of the people in certain localities of the country, entertaining hostile feelings towards each other on account of religious differences,--he alluded to the Protestant and Roman Catholic Irish. He asked whether the peace of the country was likely to be maintained by volunteer organizations, and by arms being put into the hands of both classes, especially in large cities, where strong feelings were frequently excited. This would be found a very serious objection to the proposed volunteer corps. The organization itself, independent of the arming, was unwise. Armed forces of this kind had turned out to be so in several localities in the Union, when they had had to be disbanded from that very circumstance, and we ought to profit from example.<sup>252</sup>

MR. POWELL regretted that the opposition had not joined the government to carry this bill, they had not done so however, and had by their opposition, only shoven (sic) their weakness. After replying to Mr. Wilson's defence of Mr. Holton, he denied that the bill gave any authority to compel the militia to serve abroad, thought it was time<sup>253</sup> [OR] though it was true<sup>254</sup> they were to attack the enemy if found close to the frontier, and the measure without that would have been obviously imperfect.<sup>255</sup> It was also said there was no limit to the service; but this only fired blank cartridges, for the bill expressly limited the time to three years. He regretted the allusion<sup>256</sup> [by] the hon. member for London<sup>257</sup> to the differences of the Irish, and denied that there was any reason for apprehension from that cause, for the two classes served together in perfect good will, and no doubt would here, as in the regular army, feel their responsibility when they had arms in their hands. The same thing took place in the United States.<sup>258</sup> He was surprised to hear the member for Lincoln compare the expense of the system under this bill, with the expense of the militia in the United States. If he had made the calculation he would have found that the scheme now brought down by the government would only cost the population of Canada about 2d a head.<sup>259</sup> So the objection was a two-penny one.<sup>260</sup>

MR. RANKIN supported the bill, not as a Tory, but as a rational<sup>261</sup> [OR] national<sup>262</sup> [OR] natural measure, and one which led him to look forward to the time when all the North American Provinces being united together, we might be not annexed to the United States, but an independent nation, separated from England only by peaceful means and with mutual good will. He looked upon this as a most important step, because it threw the Province upon its own resources to defend herself, as all other countries are obliged to do. Following Mr. Hincks, he alleged that our creation of free companies was no challenge to the U. States: but, assuredly bands<sup>263</sup> [OR] disorderly bands had made attacks recently on Cuba, and formerly on this country, and we ought to be prepared in case of such occurrence to repel violence; the expense was inconsiderable<sup>264</sup> [OR] considerable.<sup>265</sup>

(719)

*On motion of the Honorable Sir Allan N. MacNab, seconded by the Honorable Mr. Cartier,*

*Ordered, That the Debate be adjourned until To-morrow, and be then the first Order of the day.*

*Then, on motion of Mr. Mackenzie, seconded by Mr. Loranger,  
The House adjourned.<sup>266</sup>*



FOOTNOTES: 20 MARCH 1855.

1. LE PAYS, 24 March 1855.
2. GLOBE, 28 March 1855.
3. IBID.
4. IBID.
5. IBID.
6. LE PAYS, 24 March 1855.
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9. GLOBE, 28 March 1855.
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12. IBID.
13. MORNING CHRONICLE, 23 March 1855.
14. Scrapbook Hansard (20 March 1855).
15. MORNING CHRONICLE, 23 March 1855.
16. GLOBE, 28 March 1855.
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18. GLOBE, 28 March 1855.
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49. MORNING CHRONICLE, 23 March 1855.
50. IBID.



51. IBID.
52. IBID.
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54. GLOBE, 28 March 1855.
55. GLOBE, 28 March 1855. MORNING CHRONICLE, 23 March 1855, reports: "After the reassembling of the House at 7 o'clock, the Attorney General took occasion to reply to Mr. Sanborn. The reporter being absent lost his opening remarks. When he came in he was remarking that he had been assailed by the hon. member for East Missisquoi." In reporting Mr. Drummond's speech GLOBE, 28 March 1855, also appears to have missed his opening remarks.
56. MORNING CHRONICLE, 23 March 1855.
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192. GLOBE, 28 March 1855.
193. MORNING CHRONICLE, 23 March 1855.
194. MORNING CHRONICLE, 23 March 1855. GLOBE, 28 March 1855, differs from the MORNING CHRONICLE, 23 March 1855, and from the Scrapbook Hansard (which is a close copy of MORNING CHRONICLE, and reports it was Mr. Galt who read the 70th clause. Following Mr. Galt's reading, the GLOBE, 28 March 1855, reports: "Mr. Cameron admitted that the Act so read."
195. GLOBE, 28 March 1855.
196. MORNING CHRONICLE, 23 March 1855.
197. IBID.

198. Scrapbook Hansard (20 March 1855).
199. GLOBE, 28 March 1855.
200. Scrapbook Hansard (20 March 1855).
201. GLOBE, 28 March 1855.
202. Scrapbook Hansard (20 March 1855).
203. GLOBE, 28 March 1855.
204. Scrapbook Hansard (20 March 1855).
205. GLOBE, 28 March 1855.
206. IBID.
207. IBID.
208. MORNING CHRONICLE, 23 March 1855.
209. GLOBE, 28 March 1855.
210. MORNING CHRONICLE, 23 March 1855.
211. GLOBE, 28 March 1855.
212. MORNING CHRONICLE, 23 March 1855.
213. GLOBE, 28 March 1855.
214. Scrapbook Hansard (20 March 1855).
215. GLOBE, 28 March 1855.
216. Scrapbook Hansard (20 March 1855).
217. GLOBE, 28 March 1855.
218. Scrapbook Hansard (20 March 1855).
219. GLOBE, 28 March 1855.
220. Scrapbook Hansard (20 March 1855).
221. GLOBE, 28 March 1855.
222. Scrapbook Hansard (20 March 1855).
223. GLOBE, 28 March 1855.
224. Scrapbook Hansard (20 March 1855).
225. GLOBE, 28 March 1855. This newspaper reports: "The hon. gentleman [Mr. Cameron] then resumed his seat, amidst the warm applause of his friends."
226. GLOBE, 28 March 1855.
227. Scrapbook Hansard (20 March 1855).
228. GLOBE, 28 March 1855.
229. Scrapbook Hansard (20 March 1855).
230. MORNING CHRONICLE, 23 March 1855.
231. Scrapbook Hansard (20 March 1855).
232. IBID.
233. IBID.
234. IBID.
235. IBID.
236. GLOBE, 28 March 1855.
237. Scrapbook Hansard (20 March 1855).
238. GLOBE, 28 March 1855.
239. Scrapbook Hansard (20 March 1855).
240. IBID.
241. IBID.
242. IBID.
243. GLOBE, 28 March 1855.
244. Scrapbook Hansard (20 March 1855).
245. IBID.
246. GLOBE, 28 March 1855.
247. Scrapbook Hansard (20 March 1855).



- 248. GLOBE, 28 March 1855.
- 249. Scrapbook Hansard (20 March 1855).
- 250. GLOBE, 28 March 1855.
- 251. Scrapbook Hansard (20 March 1855).
- 252. GLOBE, 28 March 1855.
- 253. MORNING CHRONICLE, 23 March 1855.
- 254. Scrapbook Hansard (20 March 1855).
- 255. MORNING CHRONICLE, 23 March 1855.
- 256. Scrapbook Hansard (20 March 1855).
- 257. GLOBE, 28 March 1855.
- 258. Scrapbook Hansard (20 March 1855).
- 259. GLOBE, 28 March 1855.
- 260. MORNING CHRONICLE, 23 March 1855.
- 261. GLOBE, 28 March 1855.
- 262. MORNING CHRONICLE, 23 March 1855.
- 263. Scrapbook Hansard (20 March 1855).
- 264. MORNING CHRONICLE, 23 March 1855.
- 265. Scrapbook Hansard (20 March 1855).
- 266. MORNING CHRONICLE, 22 March 1855, reports: "The House took up the Militia Bill and discussed it till midnight, when the debate was adjourned and the House rose."

WEDNESDAY, 21 MARCH 1855.

(719)

THE Serjeant-at-Arms attending this House, informed the House, That he had dispatched William C. Burrage, Esquire, as his Deputy, to Malbaie, in the County of Saguenay, to apprehend Antoine Guay, one of the Deputy Returning Officers sentenced by the House to an imprisonment of ten days in the Common Gaol of the District of Quebec, and that the said Deputy had returned, and reported to him that the said Antoine Guay could not be found.

Mr. Speaker laid before the House, Statement of the affairs of the Toronto Savings' Bank, on the 13th March, 1855.

For the said Statement, see Appendix (E.E.)

The following Petitions were severally brought up, and laid on the table:--

By Mr. Loranger,--The Petition of A. Beauvais and others, Members of the Literary Society of the Village of Laprairie, in the District of Montreal; and the Petition of the Reverend C.L. Vinet and others, School Commissioners, and others, of the Parish of St. Constant, County of Laprairie, District of Montreal.

By Mr. Chisholm,--The Petition of John Macara and others, Stockholders in the Canada Powder Company.

By Mr. Jean Baptiste Daoust,--The Petition of the Soeurs de la Congrégation de Notre Dame de Montréal, Directresses of the Convent of St. Eustache, District of Montreal.

By the Honorable Mr. Cameron,--The Petition of the Right Reverend the Lord Bishop, the Clergy, and Laity of the United Church of England and Ireland, of the Diocese of Quebec; and the Petition of Allan Macdonell and others, of the City of Toronto.

By Mr. Labelle,--The Petition of the Reverend Norbert Lavallée, Superior of Laval College; and the Petition of Pierre Paré and others, Members of the Mechanics' Institute of St. Vincent de Paul, County of Laval.

By the Honorable Mr. Rolph,--The Petition of J.G. Wilson, Reeve, and others, of the Town of Simcoe.

By the Honorable Mr. Chauveau,--The Petition of the Municipal Council of the County of Quebec.

By Mr. Scatcherd,--The Petition of William Wilkinson and others, of the Township of Lobo.

By Mr. Southwick,--The Petition of David Parish, Chairman, and Charles Roe, Secretary, on behalf of a Public Meeting of the Inhabitants of the Town of St. Thomas.

By Mr. Papin,--The Petition of Edouard Martial Leprohon, of the City of Montreal, Esquire.

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By Mr. LeBoutillier,--The Petition of A. Painchaud and others, Shipowners and Merchants interested in the fishing trade of the Gulf of St. Lawrence.

By Mr. Blanchet,--The Petition of Benoit Marcoux, of the City of Quebec, Joiner.

By Mr. Brown,--The Petition of the Municipality of the Township of Sarnia.

By the Honorable Mr. Cartier,--The Petition of the Reverend R.O. Bruneau, Curé, President of the College of Verchères.

By Mr. Frazer,--The Petition of Peter Gibbons and others, Merchants, and others, of Port Colborne; and the Petition of Messieurs Vanderlip and Lacey, and others, Merchants and Traders, and others, of the Village of Port Robinson.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Reverend L.C. Lussier and others, of the Parish of St. Valentin, County of St. John's, Censitaires; praying for certain amendments to the Seigniorial Tenure Act.

Of the ... Reverend A. Toupin and others, of the Parishes of St. Hermas and St. Placide, in the District of Montreal; praying that the said Parishes may be separated from the County of Argenteuil.

Of the Reverend L.T. Fortier and others, of the Parish of St. Jean Baptiste de Nicolet; praying aid for the construction of a Female Educational Establishment in the said Parish.

Of the Reverend John Harper, Curé, and others, of the Parish of St. Grégoire, County of Nicolet; praying aid for an Academy in the said Parish.

Of the Reverend L.T. Fortier and others, School Commissioners of the Municipality of the Parish of St. Jean Baptiste de Nicolet; praying aid for a Female Educational Establishment in the Village of Nicolet.

Of Messieurs Masson, Thibaudeau and Company, and others, Merchants, of the City of Quebec; praying that the Bill to provide for the relief of Bankrupts and the administration of their Estates, may not become Law.

Of the Reverend P. Huot, Curé, and others, of the Parish of Ste. Foye, County of Quebec; praying the House not to give its sanction to any measure tending to introduce any Municipal System in Lower Canada, other than that of Parish Municipalities.

Of E.B. Lindsay, Esquire, President, and others, School Commissioners, of the Parish of Ste. Foye; praying for aid to enlarge the Sillery Academy in the said Parish.

Of John Hay, Esquire, and others, Electors of the County of Argenteuil; setting forth: That the Petitioners were convened together upon the requisition of C.J. Forbes, Esquire, J.P., of Carillon, John Hay, Esquire, J.P., of Chatham, Andrew Roa, Esquire, J.P., of Lachute, James Robertson, Esquire, J.P., Samuel Hills, Esquire, J.P., and John Doig, Esquire, J.P., of Lachute, and others, Magistrates of the County of Argenteuil, published in the Montreal Gazette and attached to the most public places in the said County, at the Public Meeting in the School house District No. 1, of the Parish of St. Jerusalem d'Argenteuil, on the twenty-fourth day of the month of January, 1855, to take into consideration the political and social condition of the said County,--the events attendant upon the two Elections recently held, and to petition the House touching certain disabilities and grievances to which the Petitioners have been, and now are subjected: That the Petitioners were formerly united with the County of Two Mountains, for Electoral purposes, and now are for Municipal purposes: That the Petitioners are exposed to the grievance of attending the Municipal sittings in another County, at a long distance from their homes, and compelled to submit to discussions and decisions expressed in a language of which the Petitioners are ignorant, whereby their wants and interests are quite disregarded, and their energy and enterprize made subservient to a majority composed of a different nationality from their own: That at the last General Election, The Petitioners

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returned to Parliament Sydney Bellingham, Esquire, as their Representative; that he enjoyed the confidence of the Electors; that he was elected by a large majority of legal voters, and, while a Member of the House, discharged his duty with honor to the said County and to the satisfaction of the Electors: That at the



Election which terminated on the thirtieth day of December last past, the party who had petitioned against the previous return of the said Sydney Bellingham, Esquire, declined presenting himself again as a Candidate, thus confessing virtually that he had no claim to be considered the Representative of the public opinion of the said County: That the locality ordinarily selected for the nomination of Candidates is situated at the edge of the County, and not in the most central place, as intended by the Law: That the Petitioners at a former County Meeting, recommended Brown's Mills, in the Township of Chatham, as a central locality for holding a Poll in the said Township, but their recommendation was neglected: That the Election which terminated on the thirtieth December last past, resulted in the re-election of Sydney Bellingham, Esquire, as Representative, by a large majority; and in the opinion of this meeting, the said Sydney Bellingham, Esquire, faithfully represents the wants, wishes, and feelings of the said County: That an attempt was recently made to deprive Augmentation of Gore, Harrington, and Wentworth, of the privilege of recording their votes in the said respective localities, under the colorable pretext of an enactment of the Legislative Assembly: That to deprive the above localities of the right of holding Polls for electoral purposes, would be virtually to disfranchise them; inasmuch as the Electors of the said localities would be constrained to travel, in some instances, twenty-five miles, over wretched roads, to record their votes: That this section of the Province has hitherto scarcely participated in any share of the Government expenditure, so liberally directed towards public improvements in other Counties; whereby the settlement of this County has been retarded, Rivers of a formidable character left unbridged, the postal service interrupted, and the intercourse and traffic between Montreal and the City of Ottawa diverted from the direct route; and praying that the House will be pleased to take into its kind consideration, the grievances and disabilities under which the Petitioners, as set forth in the said Petition, now labor, and that the House will be pleased to devise such remedies therefor, as in the opinion of the House shall seem fit and proper.

Of J.T. Hébert and others, of the Township of Arthabaska; praying that that part of the said Township known as "Pointe d'Arthabaska," may be annexed to the Township of Somerset.

Of Peter Oster and Elizabeth Jane Oster, of the Township of Vaughan; praying that the original road allowance opposite their property may be granted to them, as a compensation for a certain quantity of land taken from them for a public highway.

Of Remi Beaubien and others, of Kacouna and other Parishes in the County of Rimouski; praying payment of amount due them by the Government for the erection of a wharf at Rivière du Loup.

Of the Municipality of Kitley; of the Municipality of Oxford, in the County [of] Grenville; of the Municipality of the rear of Yonge and Escott; and of the Municipality of Wolford; praying that Corporate Towns may not be set apart from the Counties or Union of Counties in which they are situated, with the intent of freeing them from their just proportion of taxes required for County Roads and Bridges.

Of Thomas Bedard, of the Parish of L'Assomption, in the District of Montreal, Notary; praying payment of a certain amount due him for services rendered to Commissioner of Crown Lands.

Of the Municipal Council of the County of Kamouraska; praying for certain amendments to the Act 10 & 11 Vic. cap. 7.



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Of F. Marchand and others, of the Borough and Parish of St. John's; praying aid for a Female Educational Establishment in the said Borough and Parish.

Of the Municipal Council, No. 1, of the County of Dorchester; praying for a loan to macadamize part of Kennebec Road, to be reimbursed, with interest, in twenty years.

Of Charles Symmes and others, of the Village of Aylmer, County of Ottawa; representing that there are two Villages in the Province of Canada known by the name of Aylmer, one situated in the County of Ottawa, Canada East, and the other in the County of Elgin, Canada West; and praying that the name of Inkermann may be substituted for that of Aylmer, Canada East.

Ordered, That the Petition of Mrs. Jane McIntosh, of the Township of Cornwall, be referred to the Standing Committee on Contingencies.

Mr. Somerville reported from the Select Committee on the Bill to establish a Circuit Court in and for the County of Huntingdon, and part of the County of Chateauguay, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for To-morrow.

Mr. Roblin reported from the Select Committee on the Bill further to amend an Act to establish Mutual Insurance Companies in Upper Canada, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Monday next.

Ordered, That the Bill, as amended, be printed for the use of the Members of this House.

Mr. Polette reported from the General Committee of Elections, That they had selected Thursday the twenty-ninth of March instant, at Ten o'clock in the forenoon, for the appointment from Panel No. 3, of the Select Committee to try the matter of the Petition complaining of an undue Election and Return for the County of Argenteuil.

Ordered, That the Petition of the Municipality of Kitley; the Petition of the Municipality of Oxford, in the County of Grenville; the Petition of the Municipality of the rear of Yonge and Escott; and the Petition of the Municipality of Wolford, be printed for the use of the Members of this House.

The Honorable Mr. Cartier, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address of the Legislative Assembly to His Excellency the Governor General, dated the 12th instant, praying His Excellency to cause to be laid before the House, copies of all Orders of Council and of all Correspondence and Official Reports, touching a certain claim of Clarke Gamble, Esquire, for Scrip and Land, founded on the original claim of the late Oliver Everts, for fifteen hundred acres of the Crown Domain.

For the said Return, see Appendix (H.H.H.)

On motion of MR. J.S. MACDONALD,<sup>1</sup>

(722)

Ordered, That the said Return be printed for the use of the Members of this House.

Ordered, That Mr. Turcotte be added to the Select Committee to which was

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referred the Bill to improve the Law relating to Betterment, in the room of the Honorable Mr. Lemieux.

Ordered, That Mr. Chisholm have leave to bring in a Bill to amend the Act 12 Vic. cap. 85, intituled, "An Act to amend the several Laws therein mentioned relative to the appointment and duties of Inspectors of Weights and Measures in Upper Canada."

He accordingly presented the said Bill to the House and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of Mr. Sidney Smith, seconded by Mr. Gill,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, copies of all Correspondence and other Documents relative to the sale or purchase from the Grey Nuns at Montreal, of certain property at or near the north end of the contemplated Victoria Bridge, and transfer of the same to the Grand Trunk Railway Company and to any Individuals.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of MR. BUREAU,<sup>2</sup>

(723)

Ordered, That the 62nd Standing Rule of this House be suspended as regards the Petition of W. McKay and others, of Sherrington, latterly Babyville.

The Honorable Mr. Cartier, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly of the twenty-fourth of November, 1854, for a Return shewing the amount sold of Debentures of the Montreal Court House; how, and to whom sold, at what rate, when and where.

By Command,

Geo. Et. Cartier, Secretary.

Secretary's Office,

Quebec, 21st March, 1855.

(724)

Statement of Debentures issued under 12 Vic. cap. 112, and 13 & 14 Vic. cap. 94, for the erection of a Court House in Montreal, as a Return to an Address to His Excellency the Governor General, dated the 24th November, 1854, from the Legislative Assembly--the Amount authorized to be raised on this Account being £40,000, currency.

Numbers of Debentures.	Dates of Debentures.	Denomination, &c.	Amount of Debentures.		Rate of Interest.	Rate sold at.		Amount Realized.		Where and when Sold.	To whom Sold.
			£	s. d.		Par.	....	£	s. d.		
45 to 64..	October 1, 1850..	20 at £100 each..	2000	0 0 8	p. cent.	Par.	....	2000	0 0	Toronto, October 1, 1850..	Henry Judah.
65 to 74..	do 4, do ..	10 at 100 do ..	1000	0 0 8	do	do	....	1000	0 0	do do do ..	D. Maeson.
75 to 82..	do 11, do ..	8 at 25 do ..	200	0 0 8	do	do	....	200	0 0	do 4, do ..	Ph. Durnford.
83 to 447..	do 18, do ..	365 at 10 do ..	3650	0 0 8	do	do	....	3650	0 0	do 11, do ..	A. LaRocque.
448 to 593..	do do do ..	146 at 25 do ..	3650	0 0 8	do	do	....	3650	0 0	do do do ..	do
594 to 667..	do do do ..	74 at 50 do ..	3700	0 0 8	do	do	....	3700	0 0	do 11, do ..	do
668 to 672..	do 23, do ..	5 at 10 do ..	50	0 0 8	do	do	....	50	0 0	do 14, do ..	do
673 to 675..	do 26, do ..	3 at 25 do ..	750	0 0 8	do	do	....	750	0 0	do 26, do ..	C. B. Lyon.
676 to 681..	do 28, do ..	6 at 500 do ..	3000	0 0 8	do	do	....	3000	0 0	do do do ..	do
682 to 686..	do do do ..	5 at 250 do ..	1250	0 0 8	do	do	....	1250	0 0	do 28, do ..	do
721 to 726..	September 5, 1851..	6 at 100 do ..	600	0 0 8	do	do	....	600	0 0	do do do ..	Hon. E. P. Taché.
727..	do do do ..	1 at 150 do ..	150	0 0 8	do	do	....	150	0 0	do do do ..	do
751 to 755..	June 21, 1852..	5 at 100 do ..	500	0 0 8	do	do	....	500	0 0	Quebec, June 21, 1852..	E. Parent.
756 to 758..	do 23, do ..	3 at 100 do ..	300	0 0 8	do	do	....	300	0 0	do do do ..	Hon. E. P. Taché.
759 to 762..	do 24, do ..	4 at 100 do ..	400	0 0 8	do	do	....	400	0 0	do 24, do ..	James Brown.
763 to 765..	do do do ..	3 at 200 do ..	600	0 0 8	do	do	....	600	0 0	do do do ..	do
771 to 780..	July 9, do ..	10 at 100 do ..	1000	0 0 8	do	do	....	1000	0 0	do do do ..	H. Stuart.
781..	do 12, do ..	1 at 500 do ..	500	0 0 8	do	do	....	500	0 0	do 12, do ..	George Veasey.
782 to 783..	do 20, do ..	2 at 100 do ..	200	0 0 8	do	do	....	200	0 0	do 20, do ..	Norris Godard.
784 to 785..	do 30, do ..	2 at 200 do ..	400	0 0 8	do	do	....	400	0 0	do 30, do ..	Charles Jones.
786..	do do do ..	1 at 100 do ..	100	0 0 8	do	do	....	100	0 0	do do do ..	do
787 to 791..	August 3, do ..	5 at 100 do ..	500	0 0 8	do	do	....	500	0 0	do do do ..	Henry Stuart.
792 to 793..	do 5, do ..	2 at 100 do ..	200	0 0 8	do	do	....	200	0 0	do 5, do ..	Maria Ferguson.
794 to 796..	do 11, do ..	3 at 100 do ..	300	0 0 8	do	do	....	300	0 0	do 11, do ..	Rev. Wm. Ritchie.
803 to 805..	September 18, do ..	3 at 200 do ..	600	0 0 8	do	do	....	600	0 0	do do do ..	J. F. Bradshaw.
806..	do do do ..	1 at 250 do ..	250	0 0 8	do	do	....	250	0 0	do 18, do ..	do
816..	December 14, do ..	1 at 500 do ..	500	0 0 8	do	do	....	500	0 0	do 13, do ..	Hon. W. Walker.
817..	do do do ..	1 at 250 do ..	250	0 0 8	do	do	....	250	0 0	do do do ..	do
818 to 822..	do 15, do ..	5 at 100 do ..	500	0 0 8	do	do	....	500	0 0	do do do ..	Rev. W. A. Adamson.
Carried down. £			27100	0 0	.....	.....	£	27100	0 0		

(785)  
 Statement of Debentures issued under 12 Vic. cap. 112, and 13 & 14 Vic. cap. 94, for the erection of a Court House in  
 Montreal, &c.--(Continued.)

Numbers of Debentures.	Dates of Debentures.	Denomination, &c.	Amount of Debentures.		Rate of Interest.	Rate sold at.		Amount Realized.		Where and when Sold.	To whom Sold.
			£	s. d.		.....	.....	£	s. d.		
823 to 824..	December 15, 1852..	Brought down..	27100	0	.....	.....	.....	27100	0	Quebec, Dec'r. 15, 1852..	J.B. Stanton.
825 to 826..	do do ..	2 at £ 60 do ..	120	0	0 8 p. cent.	Par.	.....	120	0	do, do ..	Henry Jones.
827 to 829..	do do ..	2 at 500 do ..	1000	0	0 8 do	do	.....	1000	0	do, do ..	do
830 to 831..	do do ..	3 at 300 do ..	900	0	0 8 do	do	.....	900	0	do, do ..	do
832..	do do ..	2 at 250 do ..	500	0	0 8 do	do	.....	500	0	do, do ..	do
833 to 834..	do do ..	1 at 100 do ..	100	0	0 8 do	do	.....	100	0	do, do ..	do
835 to 837..	do do ..	2 at 250 do ..	500	0	0 8 do	do	.....	500	0	do, do ..	do
838 to 841..	do do ..	3 at 100 do ..	300	0	0 8 do	do	.....	300	0	do, do ..	F. Franklin.
842 to 845..	do do ..	4 at 50 do ..	200	0	0 8 do	do	.....	200	0	do, do ..	do
846 to 853..	January 22, 1853..	4 at 250 do ..	1000	0	0 8 do	do	.....	1000	0	do, do ..	do
854..	do do ..	8 at 500 do ..	4000	0	0 8 do	do	.....	4120	0	do, do ..	John Wilson.
855 to 858..	do do ..	1 at 200 do ..	200	0	0 8 do	3 per cent. pm.	.....	206	0	do, do ..	Hon. H. Black.
859..	do do ..	4 at 100 do ..	400	0	0 8 do	2 do	.....	408	0	do, do ..	Nic. Dunn.
860..	do do ..	1 at 500 do ..	500	0	0 8 do	3 do	.....	515	0	do, do ..	Mrs. G.F. Smith.
861..	do do ..	1 at 350 do ..	350	0	0 8 do	3 do	.....	360	10	do, do ..	J.M. Lemoine.
862..	do do ..	1 at 150 do ..	150	0	0 8 do	3 do	.....	154	10	do, do ..	do
863..	do do ..	1 at 500 do ..	500	0	0 8 do	2 do	.....	510	0	do, do ..	George Veasey.
864..	do do ..	1 at 430 do ..	430	0	0 8 do	2 do	.....	438	12	do, do ..	do
865..	do do ..	1 at 100 do ..	100	0	0 8 do	2 do	.....	102	0	do, do ..	W.A. Hmsworth.
866 to 869..	do do ..	1 at 50 do ..	50	0	0 8 do	2 do	.....	51	0	do, do ..	do
870 to 878..	do do ..	4 at 100 do ..	400	0	0 8 do	2 do	.....	408	0	do, do ..	Wm. Dickinson.
879..	do do ..	9 at 100 do ..	900	0	0 8 do	2 do	.....	918	0	do, do ..	S. Tetu.
	January 11, 1854..	1 at 300 do ..	300	0	0 8 do	2 do	.....	306	0	do, do ..	Rev. J. Johnson.
Total.....			£ 40000	0	0	.....	.....	£ 40217	12	Currency.	

Nett (sic) Amount realized, upon disposal of the Forty thousand pounds authorized by Act 12 Vic. cap. 112, being Forty thousand two hundred and seventeen pounds twelve shillings, currency.

Receiver General's Office,  
 Quebec, March 19, 1855.

C.E. Anderson,  
 Deputy Receiver General.



On motion of MR. S. SMITH,<sup>3</sup>

(726)

*Ordered, That the said Return be referred to the Special Committee appointed for the investigating all charges preferred against the Members of the late Administration.*

*A Bill to incorporate the Eastern Townships Bank, was, according to Order, read the third time.*

*Resolved, That the Bill do pass.*

*Ordered, That Mr. Galt do carry the Bill to the Legislative Council, and desire their concurrence.*

*The Order of the day being read, for resuming the adjourned Debate upon the Amendment which was yesterday proposed to be made to the Question, That the Bill to regulate the Militia of this Province, and to repeal the Acts now in force for that purpose, be now read a second time; and which Amendment was, That the word "now" be left out, and the words "this day six months" added at the end thereof;*

*And the Question on the Amendment being again proposed:--The House resumed the said adjourned Debate.*

MR. COM. CR. LANDS CAUCHON dit qu'il ne voit pas quelles objections on peut avoir contre ce bill, excepté peut-être l'objection que l'opposition a toujours contre les mesures du gouvernement,--qu'elles viennent du gouvernement.<sup>4</sup> The member for Montreal opposed the bill because of<sup>5</sup> the 70th clause,<sup>6</sup> which the ministry had already stated they were prepared to abandon.<sup>7</sup> Elle [the clause] ne s'y trouve que par une erreur de l'imprimeur. Quand même le gouvernement aurait eu l'intention de mettre cette clause dans le bill, le fait qu'il vient dire aujourd'hui qu'il n'y tient pas serait suffisant pour rallier à la mesure tous ceux qui y sont opposés: et on ne peut pas s'y opposer pour aucune raison valable, depuis que cette clause est retranchée, à moins qu'on dise qu'il ne faut pas de milice du tout. Mais si on admet la nécessité d'une police intérieure, il faut la faire assez forte pour qu'elle puisse faire respecter nos lois; le pays serait dans une position dégradante s'il établissait une milice qui ne pourrait pas faire respecter les lois et maintenir l'ordre.

Si les dépenses que l'organisation de la milice nécessitera ne sont pas au-dessus des forces du pays, la chambre doit passer ce bill à une grande majorité.--La motion en amendement est significative de la part de l'opposition et indique bien vers qui sont tournées ses sympathies, et l'hon. membre qui l'a fait[e] est donc d'une forte dose de présomption pour faire une telle proposition. C'est une question qui n'exprime aucun principe politique, et on devrait la juger sous le point de vue de l'intérêt du pays et de son utilité. Mais si les membres de l'autre côté de la chambre ne pensent pas que cette mesure est dirigée contre eux et leurs principes, il (M. C.) ne voit pas ce qu'ils peuvent dire contre ce bill. (Écoutez, écoutez!) Si les détails ne conviennent pas à la chambre, on peut les amender afin de rendre le bill acceptable à tout le monde. Le gouvernement est disposé à se rendre à tous les amendements raisonnables qu'on proposera au bill, même s'ils viennent de l'opposition car si le gouvernement repoussait toutes les objections des membres de l'autre côté de la chambre parce qu'ils sont dans l'opposition, il mériterait d'être renversé.<sup>8</sup>

CAPT. RHODES had listened to the arguments brought against the bill. He had heard nothing new, nothing requiring even an answer. The Gallant Knight had stated that there was no new principle in the bill. This was true. But it did

involve a great principle; it was one of the most important ever brought before the House. He regretted that the Police Bill had not been incorporated with the measure. He did not regard the bill as a war measure.<sup>9</sup> [He] thought that the volunteers should not be considered so much a war force, as supplementary to the police intended to secure order within the country. Gentlemen had spoken of it as being a standing army, it was nothing of the kind; and gentlemen who so represent it, had not properly considered the difference between a militia force and a standing army.<sup>10</sup> The troops heretofore in the country was (sic) a standing army of the worst description, and the people had no control over it. It is subject to the executive merely. He looked upon the question from a British point of view.<sup>11</sup> He had all the British feeling of horror of a standing army without those numerous checks and restrictions put upon it in Britain<sup>12</sup>. The standing army in England was designated principally for foreign service, and at usual times it was stationed [outside] of the country. At times of election, so jealous were the people of interference on the part of the troops, the army was generally marched into country part[s]. The first standing army was introduced into England during the time of Oliver Cromwell. That army created a feeling of antipathy in the breasts of Englishmen against the very name of a standing army. The force found necessary in England was a strictly constitutional force, it was a national militia, similar to that provided for in this bill.<sup>13</sup> A military force well organized and rendered effective, was a most constitutional force, and so regarded in all free countries.<sup>14</sup> He thought it important to explain the difference between a standing army and a militia. He was opposed to the previous system. He thought it wrong that the Executive could have the power of calling out a body of soldiers, in no way responsible to the Parliament, considering we lay alongside a great and powerful nation. He thought it prudent to permit the people to organize themselves into a militia corps. It was true that we are at peace with the United States, but so was Cuba only a few years since.<sup>15</sup> He had visited Cuba not long ago, and found a large force necessarily maintained there by Spain, on account of the proximity of the island to the United States, though she was at peace with that country.<sup>16</sup> But that peace had not prevented the Americans, or a lawless band of the American people, from attacking that Island. The government of the United States did all it could to prevent these attacks, but it had not the power to do so.<sup>17</sup> Mexico, too, had to maintain a considerable military force because of the designs of her Northern neighbour. If these countries had reason to apprehend trouble from the aggressive purposes of the Un[il]ted States, had we none?<sup>18</sup> He regarded it only a matter of prudence for this country to consider that we may one day become an object of desire to the lawless bands in the States.<sup>19</sup> Would it not be wise to have some such force in case of need, though principally useful to repel internal commotion. Honorable members said this would be giving the power of the sword to the Executive<sup>20</sup> [OR] to the people.<sup>21</sup> It had that already, and might exercise it irrespective of us by its regular army. This measure by creating and arming a force from among ourselves, would rather tend to restrain that power. It would not only enforce obedience to law upon our own people, but it would make others respect our liberties also. He should himself oppose that clause in Committee giving the right to send the force out of the Province, as the militia force was everywhere regarded as a peculiarly defensive force.<sup>22</sup> He thought the alternative presented was anarchy or security. He preferred the latter.<sup>23</sup> He thought it exceedingly unfortunate for the opposition that they had selected two gentlemen so well known for their annexation views as the hon. member for Montreal and the hon. member for Sherbrooke, to move the amendment

rejecting this measure, or that those members had volunteered their services in such a case. It gave a tone to the opposition which he was sorry to see. He thought it unfortunate also that the honorable member for London had said it would be dangerous to put arms in the hand[s] of Irishmen because of their religious antipathies. Now, ten years' experience in the army had shown him these fears were groundless. The effect of discipline was to make men forget or ignore these distinctions when called on to act in support of law and order--and this had been found to hold good in Ireland itself.<sup>24</sup> The expense appeared to be the greatest of all objections. It must be remembered, however, that at the present moment the civil power was entirely unprotected. One single riot in any of our cities would do more to injure the credit of the country. The standing army in England was of recent date. In 1605 there was but 7000 foot, and 1700 cavalry. If we made no present provision, we might at the close of the present war receive into our midst foreign troops, with whom we had no sympathy. He was in favor of the principle of the bill. We ought to be in a position to tell England that we are making the same provision that she was, to protect her honour.<sup>25</sup>

MR. J.S. MACDONALD, of Glengarry, considered the House had listened with great attention to the temperate remarks of the hon. gentleman, who had just sat down, and with the attention which a gentleman of his experience in the army should be listened to, and his side of the House had discovered from him a fact of which they had been in ignorance before, that a Bill to organize a Government Police Force<sup>26</sup> would be introduced in a day or two.<sup>27</sup> He lamented that it did not come down with the present bill, that both may be discussed together. He told us that there was more power in the Executive at present, by having the control of a standing army, than there would be from the danger of conferring upon the Executive the power of organizing a Militia Force. The country never had reason to regret the presence of the regular force in the Province, if he might except one unhappy occasion to which it was unnecessary now to refer; and he also told us that when an officer joins the British army he never contemplates the position of the duty of a Police officer. But, Sir, during the disturbances and riots in several large towns in England and in Ireland, was it not the standing army which quelled them?<sup>28</sup>

CAPT. RHODES would ask who put down the Chartist Riots in London? Was it not Special Constables?<sup>29</sup>

MR. J.S. MACDONALD, of Glengarry, insisted that there were many other riots in England, which were only put down by the Military, and in Ireland the military were called out upon all occasions, requiring their assistance to aid the civil force. He could not understand the distinction drawn by the hon. gentleman, between the standing army in England and the standing army here.<sup>30</sup> The complaint against a standing or a regular army was a new one here.<sup>31</sup> But the objection to this measure was that the standing army of this country was about to be withdrawn from it<sup>32</sup>. The presence of those troops, in whatever numbers, had always given the greatest satisfaction to the people of this Province.<sup>33</sup> He should be false to himself and his country, if he did not lend his feeble aid to the attainment of that object, but the country should have something to say about the mode of organizing and its employment.<sup>34</sup> He would be very glad to see the best possible measure passed for the organization of the militia, which would have the effect of introducing a more perfect system of enrolment, without the farce of the annual muster, but when along with that there was introduced the new feature of volunteer companies<sup>35</sup> to be paid by this Province,<sup>36</sup> the



nucleus of a Provincial Standing army, he thought it was time to pause.<sup>37</sup> No one would oppose a measure having for its object the enrolment of the militia and ascertaining the number of those liable to serve. But when such a measure as this for arming and drilling at least a portion of the force, was brought in contemporaneously with the withdrawel (sic) of the regular troops, they naturally asked themselves what was meant, and they could not but feel that they were called upon to legislate in the dark, without the necessary information, which has been afforded them in a very niggardly manner by the present administration. Dispatches had been pointed at by the Commissioners in their report which had been laid before the House. Why were they not distinctly informed of the intentions of the Imperial Government?<sup>38</sup> The introduction of a measure of this sort made the Canadian feel that this was only the beginning of a policy which was to throw him entirely upon his own resources, and before they went into it, they ought to have the fullest information as to the views of Great Britain with respect to this Colony, and its future defence against invasion. (Hear, hear.) The discussion of this Bill raised questions of the very highest importance in regard to the future of this Colony.<sup>39</sup> It was the want of this information which caused a good deal of the opposition to the measure.<sup>40</sup> Two principal objections to the measure had been removed by the announcement[s] of the honorable and gallant premier, that the bill would not be made permanent, but limited to three years; and of the honorable Commissioners (sic) of Crown Lands, that the 70th clause remained in the bill through inadvertance, and was intended to be struck out. But the measure calling upon us to arm ourselves in our own defence, and pay for our own defence, went far to show a disposition to leave us to ourselves.<sup>41</sup> The clause which says that during war we were to support and pay ourselves--was withdrawn after a second consideration.<sup>42</sup>

MR. AT. GEN. DRUMMOND denied that it was withdrawn after second consideration.<sup>43</sup>

[MR. J.S. MACDONALD:] It was not denied last night--and the Bill did not provide that the annual sums should be voted by the Administration of this country--but the hon. member stated last night--when pressed by the hon. member for Montreal (Mr. Holton), that such an amendment would be made in the Bill<sup>44</sup>. Till now the Militia of this country had always known that in the event of war the strong arm of Great Britain would be raised, and her treasures would flow forth to defend us, against foreign aggression. But now this confidence was taken away, when we were told that we would have to maintain a volunteer force, to build armories and arsenals, and to establish a Provincial Marine, all at the expense of the Province, and he was afraid that the effect of this leaving us to our own resources in the event of being attacked, would go far to shake the desire which the people of this country had always entertained for a continuance of the link binding us to the mother country.<sup>45</sup> We had always heretofore felt that in time of danger or difficulty the strong arm of Britain would be stretched forth to support and assist us, and that her treasure would flow freely to maintain the integrity of the British Colonial Empire. Now, that feeling of security would be shaken, and the faith of Britain's defence of us shaken also; and if the impression thus made were not counteracted by some contrary declaration on the part of the Government, he feared the affection now so generally entertained by the people of this Province would be seriously prejudiced--(Cry of "More annexation.") Those who favored annexation could defend themselves, and Government had reinstated them, admitting their defence to have been a venial one. But he who had never been an annexationist repeated this bill was calculated to prove fatal in many cases--to prove fatal to the



loyal feelings of which it was the duty of the Government to foster.--They knew not what day they might be involved in a war with the United States by the mother country, and while her fleets swept the Atlantic eastward, our neighbors would in their turn make their first descent on Canada. This was a reason for the defence of the frontier, but that defence should in such a case be provided for by the mother country, and the people of this country should not be left without British troops and experienced officers round whom to rally, to fight the battle of defence here in a war with whose causes they had perhaps no sympathy. Suppose, for instance, troubles arose out of the Cuban question, would the people of Canada be willing to carry on the war at their own expense, to retain that slave island under<sup>46</sup> the blighting dominion of Spain<sup>47</sup>.

MR. GAMBLE.--A capital annexation speech.<sup>48</sup>

[MR. J.S. MACDONALD continued:] They could not conceal the fact, that while the people of the country loved Britain, and fight for her to maintain her glorious position, they would not carry on a war at their own cost in such a cause as that.<sup>49</sup> When they considered that by the island being kept in the hands of Spain, the condition of the slave would not be ameliorated, but his shackles would be bound upon him still more firmly, he doubted very much if Canadians would be willing to risk their lives and their properties in such a war, in the declaration of which they had no voice, in the object of which they had no sympathy. (Hear, hear.)<sup>50</sup> The militia would naturally ask who and what they were fighting for? Oh! for the glory of England. There were one hundred thousand militiamen in the Province who would not fight for the glory of England.<sup>51</sup> Troubles might arise between France and the United States, and England be drawn in by reason of her alliance, offensive and defensive, with the former country--was this country to bear the brunt of such a war? If Britain would furnish us with arms, we would equip and drill our own militia for the time of need.<sup>52</sup> With regard to the Volunteer Companies--give them arms and they will equip themselves without pay, but if you establish the system of payment--there will be no limit to the expenses.<sup>53</sup> There was no necessity for all this large staff which was proposed to be put under pay by the bill. Other details, such as the creation of armories, &c. were most objectionable, as causing useless expense. He was not disposed, however, notwithstanding these grave objections to oppose any necessary measure for the efficient organization of the militia, a step evidently required, if Britain had determined to withdraw her military protection.<sup>54</sup> But at all events he saw no necessity for their making all those preparations for the possible contingency of a war. War was not proclaimed in a day, and they would have time enough to prepare themselves when they saw it approaching.<sup>55</sup> He hoped Ministers would let the bill lie over till another session, that the intentions of the Imperial Government might be distinctly known, and the opinions of the people of this Province ascertained. He believed the people were not satisfied with the report, and would not be with the bill, as the Government had removed the strongest objections; still, if his honorable friends near him would adopt the suggestion to withdraw their motion, he--<sup>56</sup>

Hear, hear, from MR. HARTMAN.<sup>57</sup>

[MR. J.S. MACDONALD:] Well, well, he would not detain the House longer.<sup>58</sup>

MR. SOL. GEN. H. SMITH did not expect any strong opposition to the measure from a gallant militiaman (sic) like the honorable member who had just sat down--one who had long been a Lieut. Col. of a battalion of the famous Glengarry

militia. And he thought that, in the course of his speech, he had furnished the most conclusive reasons in favour of the measure, though he believed he intended to give a party vote against it. One reason why this bill should please the honorable gentleman was that cavalry corps were provided for; and it had been found that, whenever the Glengarrys went into a campaign as infantry, they had come out well mounted. The country would understand the significance of the opposition led on this occasion by the honorable members for Montreal and Sherbrooke<sup>59</sup>. [He] hardly knew what the consequences to the country might be if the motion of the hon. member for Montreal, to give this Bill the six months hoist, should be carried. He did not believe that the hon. member understood the object of the Bill. It was merely a bill to regulate the militia system of the Province. If the hon. member knew what effect opposition to the Bill would have on the interests of the Province in England, assuredly he would withdraw it.<sup>60</sup> [Il] dit que les conséquences de la motion en amendement, si elle était adoptée, seraient d'inviter l'invasion étrangère, en annonçant partout que nous ne voulons pas avoir de milice en Canada.<sup>61</sup>

Plusieurs Voix.--Nous voulons avoir une milice, mais nous ne voulons pas de votre bil[il].<sup>62</sup>

MR. HOLTON.--If the hon. member will withdraw his Bill, he (Mr. Holton) would withdraw his motion.<sup>63</sup>

MR. SOL. GEN. H. SMITH.--In the event of the hon. member withdrawing his motion, he would have the credit of being the first gentleman having professed annexation, who had voluntarily come to the assistance of the British Government<sup>64</sup> [and] proposed in Parliament to throw out a Militia bill.<sup>65</sup> Now, as to whether the Government were right or wrong in bringing a Bill of this nature at this particular juncture was affirmatively shown by the argument of the hon. gentleman, that the present war will be one of long duration. If the war was to be a long one, and the perhaps doubtful relations with regard to Cuba of the Imperial Government with the Government of the United States, when in the event of hostilities the Province would be the first object of attack, he could not perceive the force of the honorable member's assertion that organization of the militia was not wanted.--But hon'ble gentlemen said that they merely objected to details.<sup>66</sup> The honorable member for Glengarry had admitted the necessity for the withdrawal of troops during the present war, and had gone farther and shown the danger of attack from a war arising out of the relations of Spain and the United States respecting Cuba, or from other causes. He had proved to the House the necessity for providing against contingencies, yet he had not pointed out any other mode than that proposed by government for doing so, all the objections urged by members opposite, except those already removed by the explanations and concessions of Ministers.<sup>67</sup> Even in details, he [Mr. Smith] hoped to convince the House that the bill was everything that could be desired. There were, indeed, only four objectors, the honorable member for Montreal, the honorable member for Sherbrooke, the honorable member for London, and Mr. Marchildon. (Laughter.) He would take up the objectionable points seriatim. First, the member for Montreal would not submit, being an officer of the militia in this country, to be only second in the same rank to an officer of the British army.<sup>68</sup>

Pooh, pooh, from MR. HOLTON, "that is a minor objection."<sup>69</sup>

[MR. SOL. GEN. H. SMITH continued:] It certainly was a minor objection, and he would not insist that it was any objection whatever; he would pass it over as of no consequence. Lieutenant Colonels in command were not to be the juniors to British officers of the same rank.<sup>70</sup>

MR. HOLTON.--With emphasis, "I never said anything about Colonels."<sup>71</sup>

[MR. SOL. GEN. H. SMITH:] Well the other gentleman sitting next the honorable member did, but he would also waive that objection. (Laughter.) The next clause in the bill went on to say that the Governor in Council could disband the volunteers at a moment's notice. The Government had reserved to themselves the right of getting rid of the auxiliary force now to be raised for home protection the moment they were found to be useless. There were doubtless some errors in the bill, as had been pointed out, but for these errors the Government were not responsible. The preparation of bills was entrusted to particular officers of departments, to law clerks and others. The 70th clause of the bill was not even contemplated in the report, as would be ascertained by a reference to the eighth page of it. The Commissioners who drew up the report knew nothing of the Bill, and how the 70th clause could have crept into it was to the Government a mystery. Another objection was that the militia were not to receive their pay from the Imperial Government. This objection had no meaning, for so long as this country remained a dependency of the empire the Imperial Government would pay the militia when engaged in actual war. The militia were to have the same rank and pay as officers and men of the British army, although it could not be stated in the act that the Imperial Government would be the paymaster.<sup>72</sup> With the exception of the 70th clause the bill was so perfect that the opposition were at their wits ends to find fault with it. An objection had been raised to the marching of the militia out of the Province to any place conterminous therewith. The words<sup>73</sup> "to territory continuous therewith"<sup>74</sup> had only been accidentally omitted<sup>75</sup> in transcribing it,<sup>76</sup> and hence the objection, for it could not be said that if it were found necessary to dislodge an enemy from<sup>77</sup> Islands in the St. Lawrence, but in the American waters,<sup>78</sup> that the militia or volunteers could not be required to do so. The force was merely intended to repel invasion. The idea that the militia would be marched into the very heart of an enemy's country had never entered into anybody's head. Much had been said about a standing army. Now volunteers could not be considered any portion of a standing army; and then, the volunteers are to be called out only for a ten days service every year, as the nucleus, around which other regiments could be formed. When he heard of a standing army being in honorable members' mouths he hardly knew what to think. There were in all 50 companies to be organized. On looking at the Bill, it would be perceived that it had a two-fold character--one providing for the organization of the local militia, and the other providing for a sedentary or reserve militia, the Governor General being Commander-in-Chief. Musters ordinarily considered were good for very little, but this Bill provided for the muster of a certain description of men, who would not complain of being turned out once a year. Members of this House need have no fear of being required to attend muster. They were exempt. He feared the honorable member for Montreal was dissatisfied with his rank, and hence his objection to the Bill. He feared that under present circumstances he was not eligible for promotion. With regard to the armament, it would be ridiculous to take into use the old rubbish of muskets now in the Ordnance stores. The best arms, such as the men would take a pride in, must be had.--(He then run (sic) over the clauses of the Bill.)--The whole force to be raised would not exceed 5000 officers and men, but it was impossible to train even that force well, unless competent men to do so were obtained, and to be obtained they must be paid well. He did not want broken down troops. He wanted Canadian regiments, and the Canadians made excellent soldiers, as an officer of the regular service remarked in complimenting the regiment which he had the honor to command. The object of the bill was only to make the militia system better than it was.<sup>79</sup> He believed the bill would be



popular with the country, as he felt assured it would be passed through this House with large majorities, for it was an occasion on which party political difference should be forgotten, and he could not help contrasting the conduct of the gentlemen opposite with that of the leader of the opposition at the time the last militia bill was passed, when that distinguished gentleman had said that that was not a question for party divisions, and that if the Government would refer the bill to a Select Committee he should be happy to afford them his service to make it as perfect as possible. The bill was passed without a dissenting voice. He regretted that a different course had been adopted now; but he must say that he thought so far as the debate had yet gone, the annexation gentlemen had got the worst of it.<sup>80</sup>

MR. HOLTON.--Order! Is the hon. gentleman in order, Mr. Speaker, applying those epithets to gentlemen on this side of the House?<sup>81</sup> I protest against any gentlemen in this House being called annexation gentlemen.<sup>82</sup>

MR. SICOTTE the SPEAKER.--If you consider the term offensive, the hon. gentleman was out of order in using it.<sup>83</sup>

MR. HOLTON.--I do consider it offensive. (Hear, hear.)<sup>84</sup> (Laughter.)<sup>85</sup>

MR. SOL. GEN. H. SMITH said he was glad this avowal had been called out; for he did believe that the hon. gentlemen had no love for annexation at bottom.<sup>86</sup>

MR. CHRISTIE then spoke as follows:--Although the members from Renfrew and Toronto, in common with other Hon. members, have expressed their surprise that any opposition should have been offered to this Bill, I shall take the liberty of voting for the amendment of my hon. friend from Montreal, even at the expense of incurring the displeasure of those hon. gentlemen. The hon. and learned member for Toronto, with that elegance and eloquence for which he is distinguished, made a very forcible appeal to the patriotism of the House. He alluded in glowing terms to the contest in which Great Britain is engaged, and asked if we were not willing to make sacrifices to sustain it. Yes sir, this House and this Country are willing to make such sacrifices, and their deeds attest the fact. But the hon. gentleman will permit me to say that this has nothing to do with the question. In his speech, the learned member never touched the threshold of the position taken by my hon. friend from Montreal, excepting when with his usual tact, he came to the rescue of the Government, by proposing, that they should abandon their intention of pressing the clause providing a standing supply. Now sir, much as I admire the valour of our troops, and the rectitude of the cause in which they are engaged, I am not ashamed to say that there is one thing which I value more highly, namely the rights and liberties of the people of Canada. All the arguments adduced in support of this bill, by the Government and their supporters, have failed to prove that it is not what my hon. friend from Montreal has stated, a measure, not for the reorganization of the Militia (for had that been its true character, no one would have opposed it), but a bill framed for the express purpose of instituting and organizing a standing army in this Province. The title of the bill is delusive and deceptive. Were any additional evidence needed to establish this fact, it is only necessary to refer to the Report of the Commissioners, on which, the hon. Solicitor General West, says, the Bill is founded. It will be recollected that the gallant Knight who introduced it was one of the Commissioners. At the commencement of their Report they say:--

"The Commissioners appointed by Letters Patent under the Great Seal of the Province, dated 27th October, 1854, for the purpose of investigating the state



of the Militia of Canada, of re-organizing the said Militia, and of providing an efficient and economical system of public defence, and further to report on an improved system of Police for the better preservation of the peace--"

This was the object of their appointment. They then go on to state that--

"With regard to providing an efficient and economical system of public defence the Commissioners are unanimously of opinion that the establishment of Volunteer Troops of Militia Cavalry, Field Batteries and Foot Companies of Artillery, and Companies of Infantry, armed as Riflemen in the several localities set forth in the Schedule marked A, attached to this report, and under conditions of service hereafter to be mentioned, will prove the most efficient, economical and popular system of public defence which can be adopted under the present circumstances of the Province, taken into connexion with such measures as they will also have the honor of submitting to Your Excellency for the re-organization and armament of the Sedentary Militia."

Reference is here made not merely to the re-organization of the Militia, but to the establishment of an armed force for the avowed object of providing an "efficient and economical system of public defense," and yet we are told that the bill provides for nothing of the kind. Does the Solicitor General think that the people of Canada can be deceived in this way? And is it not strange that a gentlemen (*sic*) occupying his position should presume to offer such an insult to this House, as to present a bill, the title of which is evasive and deceptive? Why did not the government at once honestly state that they wanted to raise a standing army, and that in their belief the Government of Great Britain wished us to do it. Let not hon. gentlemen be deceived by such a strategem. This House has now to consider a very grave and important question which involves the whole of our colonial relations. The proposition is not the re-organization and amendment of our Militia system, but the institution and organization of a standing army, and the taking on ourselves the defence of the Province. It was the duty of the Government before taking a step of this kind, to lay before Parliament official documents, showing that the Imperial Government had come to the determination of leaving us to our own resources. They ought also to have been prepared to state the terms on which we were expected to do this; whether it were intended that we should contribute all the cost of maintaining Imperial authority without being able to make treaties; that we should incur the risk of being dragged into disputes and contests in which we might have if any, at all events, a very remote interest, without even being consulted about them. In addition to this the administration should have been in a position to state, that the scheme had been before the country, long enough to afford the opportunity for a full and fair expression of public opinion on it. The Attorney General East stated the other night, that this was the course taken in reference to the Lower Canada Municipal Act. So anxious were the Government to ascertain what the people of L. Canada thought of that measure, that before the adjournment ten copies of the Bill had been sent to each municipality in that part of the Province. Now, Sir, I ask what is the position of the Government in reference to this Bill?<sup>87</sup> If its sole object was the organization of a Militia Force not one would object to it. Before taking this step the Government should be prepared with official documents from the Government of Great Britain, showing us the consideration which they had given the measure. The quarrel about Cuba had been spoken of, it was not of the slightest interest to the people of this colony what related to any quarrel--between the United States and England--about Cuba.<sup>88</sup> What have they to show in the shape of official documents, a meagre minute of Council, containing the purport of a

conversation between the late Inspector General, and Sir C. Trevelyan, the import of which may have been entirely misapprehended. Then what was that conversation? Vague generalities as to the propriety of this colony doing something in the way of self defence. Now, Sir, I do not believe that this is all that they can show, if they chose to do so. We have called again and again for despatches, and they have kept their seats without saying a word in reply. I now ask the gallant knight why they will not bring their despatches and lay them on the table of the House. We have a right to the information. We know that there is a despatch which they won't produce, because the Commissioners (of whom the gallant knight is one) say so in their report, page 14. "The Commissioners, after an attentive consideration of a Despatch from the Secretary of State for the Colonies, which has been brought under their notice, in which an offer is made by the Imperial Government to surrender all Military Reserves in the Province, with the exception of such portions of these Lands at Kingston, Montreal and Quebec, as are essential to the Military defence of the Colony, in consideration of the Provincial Government making ample provision for the ordinary defence and protection of the Province."

Why was this despatch not laid before the House? Is it not an outrageous insult to be told that the Commissioners perused a document of so important a character as this, and yet that they will not bring it down to Parliament. The Commissioners tell us something about terms, and what are they, that the Imperial Government will give up certain Ordnance lands, in consideration of the Provincial Government making ample provision for the ordinary defence and protection of the Province. Of what value, Sir, is the whole ordnance property, in comparison with the surrender of our highest privileges. Are we prepared to admit the doctrine of "taxation without representation." Are we prepared to be yoked to the Imperial Car, to be dragged through every quarrel and war, just or unjust? Are we ready to engage in every contest, to contribute our quotum (sic) of the cost, without the right of being consulted as to whether it be our duty or for our interest to do so? Furthermore, was this most important matter mooted at the last general election, or how long has the determination of the Government in reference to it been announced? Why, Sir, the thing was never thought of until the publication of the report of the commissioners. That report has just reached Upper Canada, and this Bill, which we are now called to read a second time, is yet on its way to the Upper Province. Gentlemen opposite may steal a march on the people of this country by passing this Bill. In their desire for power and patronage they may make it law, but when they shall come before the tribunal to which the Inspector General said last night they were willing to appeal, they will be routed and overthrown. We accept the challenge of the Government. The amendment to the motion of the gallant knight, contains this proposition. It recognizes the propriety of affording an opportunity for an appeal to the people on this vital question. It declares that this Bill shall not now be read a second time but on this day six months. Let not the Government withdraw the statement made last night; let them appeal to the country; we ask them to do it, and we tell them that we will abide the result. We are most anxious to know what the people think of this measure, and if they are sincere in their professions of a desire to be guided by the well understood wishes of the people, they will not hesitate to accept the amendment; besides they have other strong constitutional grounds for making this appeal. A large class of persons who could not vote at the last election have not the right of suffrage. They have a right to be heard; it is only fair before exacting a law like this that every person rated for real property should have the right to say whether it be desirable or not. Mr. Speaker this House ought to be jealous of the rights and privileges of

the people in so important a matter as the institution of a standing Army.<sup>89</sup> Notwithstanding all that had been said by the member for Megantic, it was a fact that the proposed volunteer force was of the nature of a standing army.<sup>90</sup> He had not given a single reason in favor of the principle of the Bill--and some writer said--that the greatest of all political evils in ruling was ruling by legal force.<sup>91</sup> Now Sir, although I am opposed to the second reading of this bill, as the principle of it is under discussion, it is well to look at some of its provisions, so that the odiousness of the measure may appear. I do unhesitatingly affirm that it tramples under foot the power and privileges of Parliament. The 114[th] section provides a standing supply. Should it become law hereafter Parliament will have no voice in the matter, but the Governor, by his warrant to the Receiver General, without the consent of the Executive Council, or of Parliament, may order payment of the necessary expenses. Since the time of Charles 1st has such a thing been tolerated? Are we to abandon the great principle of the right of Parliament to control the armed forces of the country? Is not this striking a direct blow at the liberty of the subject. And yet we are cool[ly] told by the premier, that there is no principle embodied in the bill. It is a most unprincipled measure. Then, Sir, where is the Mutiny Act which ought to accompany it. We shall no doubt be referred to the 69th clause. Why Sir, that clause provides that the militia shall be subject to the Imperial Mutiny Act, or Acts relating to Her Majesty's Troops in this Province; nay, it goes even further, it enacts that the commander-in-chief may at his pleasure dispense with even these safeguards. We are told also that a very small expenditure only is necessary, amounting to a few thousand pounds a year; can it be supposed that the matter will rest here? Before even this measure has passed a second reading, the author of this very coalition Government, the late Inspector-General, puts a notice on the paper, that he intends to move that 100 acres of the public lands of this Province shall be given to any person in this country who shall enlist as a soldier in the army of the Crimea. When will this folly end? And all this is to be hurried to a consummation, before the people shall have been allowed to say what they think of it. Then Sir, the 182nd section provides that troops shall be cantoned on the people, when it shall be thought that there is danger to the safety of the Province. Here again the Commander-in-chief is to be the judge, and Sir, in spite of Magna Charta a band of idle fellows may be permitted to molest the peaceable inhabitants of the Province. This is one of the greatest evils of a standing army. It is a sort of moral pestilence wherever it is. And are we to establish over the face of the country deposits of crime and demoralization? What will the people of Upper Canada say to those of their representatives who shall sanction it? Tell them of quartering cantons of troops on them and the deafe[s]t of you will hear the response. The recollection of 1837 is too vivid for them to tolerate such a violation of their rights. Let me ask the members from Oxford, West Brant, Lincoln, Welland, York, Grenville,<sup>92</sup> Renfrew,<sup>93</sup> and Prescott what was the experience of their constituents in those days, and what are likely to be their feelings on this point. It would be easy to show many other evils in the bill but it is not my intention to do so. The whole thing from first to last, is bad.<sup>94</sup> Wherever you have a standing army--you have a neucles (sic) of crime and demoralization.<sup>95</sup> It has been got up for the express purpose of affording patronage to Government, a sort of asylum for young aristocratic loungers, who cannot dig, and are ashamed to beg. It reminds one of the Irish Regiment of Volunteers, which was said to consist of sixteen Lieut. Colonels, three Drummers, and one Private. Who has asked for this measure? Have the people of the



Province done so? Is there a single petition in favor of it? Do the circumstances of the Province demand it? With whom are we likely to have any difficulty? With each other? Was there ever a more peaceable and contented people? With the Americans? Is the Reciprocity treaty any proof of the probability of their having evil designs on us? Whence then do we anticipate danger? I entreat hon. members not to entertain this measure. At all events, let them give the country an opportunity of being heard, by accepting the amendment.<sup>96</sup>

MR. PRES. EX. COUN. MACNAB having risen to reply,<sup>97</sup>

MR. BROWN asked how often the gallant Knight was to speak? He had already spoken twice on this motion, although it was a rule of the House that hon. members should only speak once.<sup>98</sup>

MR. PRES. EX. COUN. MACNAB said he had not a great deal to say in reply to the hon. gentleman who had come into this House by a majority of four or five, to support the hon. gentleman who had called attention to his having spoken twice. He thought he might be allowed a few words, as he was not in the habit of making long speeches, not being able to say a great deal about nothing like some hon. gentlemen. The hon. member for Brant (Mr. Christie) had read the House a lecture on the subject of this Bill, professing to speak on behalf of the whole people of Upper Canada, but he thought some other gentlemen might have been more qualified for the task than one who had got in by a majority of half a dozen. It had suited the hon. gentleman's taste to talk about aristocratic loungers and the clergy of the Church of England, but he could tell the hon. gentleman that the parties he referred to, were just as good as hypocritical loafers. (Order.) There was not a man in this House who enjoyed so small a degree of influence in Upper Canada as the hon. gentleman who had just taken his seat on the strength of a majority of three or four votes<sup>99</sup>, and as soon as he gets in affects to set himself up as an exponent of public feeling.<sup>100</sup> He spoke of a standing army, forsooth. If the proposed force would constitute a standing army, what difference was there between that force and the proposed volunteers?<sup>101</sup> Had they not always had a militia in this country, and had they not had volunteer corps also?<sup>102</sup> It was not contended that a standing army existed in the United States, and yet there they had one of the most splendid militia forces in the world.<sup>103</sup> Was it not an insult to the understanding of members of the House to call such a force a standing army, and endeavor to frighten with such a childish fear to tell them that this was a standing army to put them down?<sup>104</sup> We were told that there was no necessity for the Bill. In England the great cry now was that the nation was unprepared for the emergency which arose. The present Bill was merely designed to improve the present system. There was, as he had said, no new principle. The hon. member for Montreal acknowledges that something was necessary to be done, and yet instead of setting about affecting that something he moves that all attempt at a re-organization of militia be deferred for six months.<sup>105</sup> [He] said so great a preparation as this was not needed. Others complained that Government did not propose to do enough. The Government had endeavoured to do what was necessary under existing circumstances, and nothing more.<sup>106</sup> Was there one member in this House who in his heart believed that this was to be a standing army, except perhaps the member for Montreal?<sup>107</sup>

MR. HOLTON.--I said nothing about it.<sup>108</sup>

MR. PRES. EX. COUN. MACNAB then referred to a statement of Mr. Wilson's the previous evening<sup>109</sup>. The members on the opposite benches seemed hard pressed for arguments, and one of them was compelled in extremity to attack a large



portion of the people of this country<sup>110</sup>. [He spoke] about the possibility of collisions between Irish Orangemen and Roman Catholics, if arms were placed in their hands. He could tell his hon. friend that in the troubles of 1837, in the whole of Upper Canada he could not have found one Irish rebel.<sup>111</sup>

Oh! Oh! from the French members.<sup>112</sup>

[MR. PRES. EX. COUN. MACNAB continued:] He could tell the hon. member for London that the Irishmen of this country would not soon forget his remarks of last evening.<sup>113</sup> It was objected that there ... were no petitions against this Bill.<sup>114</sup> He was satisfied the Government were right in the course they were now taking, and he would be very much surprised if the people of this country looked upon it as anything else than wise and prudent for them to put the Militia of the country on a proper footing.<sup>115</sup> If the press could be taken as an indication of the opinions of the people, it was favorable to the measure. He (Sir Allan) had seen but one newspaper that opposed it, and that was generally supposed to be under the control of gentlemen opposite.<sup>116</sup>

MR. FOLEY regretted that the gallant knight, in rising to defend his position in reference to a measure of this importance, should not have displayed more of that calmness of temper which might be looked for in the leader of this House. (Hear, hear.) His attack on his hon. friend from Brant on account of the smallness of his majority, he looked upon as paltry in the extreme, (Hear, hear,) and some of the gallant knight's friends, now sitting near him, had been returned by majorities still smaller. The member for Brockville (Mr. Crawford) had been returned by a majority of 6, and the member for Carleton by a majority of 7, smaller majorities both of them than that on which the member for Brant had come into this House, and the gallant knight forgot to say that the gentleman who had been displaced by Mr. Christie as member for Brant, had in this House pursued precisely the same course, so that the decision given by the electors of Brant, whether in favour of Mr. McKerlie or Mr. Christie was unanimous against the present Government. (Hear, hear.) The attack of the gallant knight was quite unworthy of him and uncalled for in the circumstances. It was not becoming in the hon. gentleman who was so shortly to occupy the distinguished position of commander of the Forces in Canada, to get into a passion about so small a matter. (Hear, hear.)<sup>117</sup>

MR. PRES. EX. COUN. MACNAB.--I am aware there has been a report in circulation such as that to which the hon. member has referred. But I declare here before this House and the country that I never had the slightest idea of taking the Adjutant Generalship of the Militia, and that I will not accept it.<sup>118</sup> When he retired from the Government, it would be to a seat lower down on the ministerial side of the House, or to those benches opposite. He would not accept any office at their hands.<sup>119</sup>

MR. FOLEY was glad an opportunity had been afforded the hon. and gallant knight to deny the rumour, and he hoped that gentleman's future conduct would justify the sincerity of his professions. He believed there were motives unexplained, and correspondence unproduced which impelled the introduction of this Bill. He would ask the hon. gentleman whether such was not the case?<sup>120</sup>

MR. PRES. EX. COUN. MACNAB.--I am not aware that any correspondence has taken place between the Imperial and Provincial Government on that subject.<sup>121</sup>

MR. BROWN.--No dispatch from the Imperial Government?<sup>122</sup>

MR. SOL. GEN. H. SMITH.--No correspondence.<sup>123</sup>

MR. FOLEY then quoted from proceedings which had taken place in the House of Commons on the 23rd February last, in the course of which Sir George Grey stated that a correspondence was going on between the Colonial Office and the<sup>124</sup> Governors of Canada and Nova Scotia, on the subject of the provision for the defence of these provinces<sup>125</sup>, but as it was still in progress that he did not like to state the exact position in which it stood.<sup>126</sup> Si tel est le cas, il est difficile que le gouvernement n'ait pas connaissance de cette correspondance, et il faut que le ministre anglais ou le ministre canadien avance sciemment une fausseté<sup>127</sup>. Now he (Mr. Foley) held that till this correspondence was brought to a close, and the House made acquainted with the nature of it, it was not becoming in the Government to come down and ask them to enter into a large expenditure, the object of which was not clearly ascertainable, and the effect of which no man could predict. (Hear, hear.)<sup>128</sup> He was opposed to the Bill entirely. He thought the people would be opposed to it.<sup>129</sup> Le gouvernement dit aujourd'hui que la 70e clause a été insérée dans le bill par une erreur d'un employé. Il voudrait bien pouvoir le croire, mais dans ce cas comment se fait-il qu'on ne dise cela qu'aujourd'hui? Pourquoi l'un des ministres ne s'est-il pas levé hier soir, lorsque l'hon. membre pour Montréal leur reprochait cette clause, et n'a-t-il pas dit alors ce qu'il dit aujourd'hui? Il lui semble plutôt que le gouvernement avait bien l'intention de mettre cette clause, et que ce n'est qu'aujourd'hui qu'il s'est décidé à la retrancher afin de rendre le bill moins odieux.<sup>130</sup> [He] pointed out that the withdrawal of the 70th clause, announced by the Commissioner of Crown Lands, would not remove one of the main objections to the Bill, as other portions of it gave an unlimited power of expenditure to the Government.<sup>131</sup> Ce qui prouve que le gouvernement avait bien l'intention de mettre cette clause, c'est que les clauses 86, 87 et 114 n'en sont que les corollaires, en ce qu'elles autorisent le gouverneur à payer, à même les fonds consolidés, toutes les dépenses encourues pour la défense de la province ou pour la répression des troubles intérieurs. Et si pour cet objet les troupes de Sa Majesté sont requises, il lui semble que cela revient au même que par la 70e clause.

Il y a encore une autre clause qui sera particulièrement odieuse au peuple. C'est la 40e, qui pourvoit à ce que les compagnies volontaires soient payées par la municipalité dans laquelle elles seront appelées en cas de troubles. Ainsi s'il survenait de s troubles sur un chemin de fer sur les limites d'une municipalité, et que les émeutiers se répandissent dans la municipalité voisine, celle-ci serait obligée de payer les volontaires qui se rendraient chez elle<sup>132</sup>. The billeting too was a provision which would be odious in the eyes of the yeomanry of the country.<sup>133</sup> Les habitants seraient obligés de les loger et peut-être de les nourrir, à raison de huit sous par jour, et de loger et nourrir leurs chevaux pour vingt sous par jour (voir la 92e clause).<sup>134</sup>

A member.--It is in the present law.<sup>135</sup>

[MR. FOLEY continued:] But only in time of war [yet] this provides for the same thing when the troops were in cantonments.<sup>136</sup> Il demande si cela est juste et si l'on croit que le peuple s'y soumettra de bon coeur. S'il plaît à un commandant de croire qu'il y a du trouble quelque part, il se rendra dans la municipalité quand même il n'y aurait pas de trouble, et il fera payer ses volontaires pour tout le tems qu'il lui plaira d'y rester.

Il laisse au peuple à juger si cela lui conviendra beaucoup.<sup>137</sup> [He] asked where was that public opinion in its favour expressed by petitions with the absence of which hon. gentlemen on the other side had taunted them in reference

to the commutation clause of the Clergy Reserve Act. He believed the public opinion of the country was that a simple measure for a proper system of enrolment was all that was now required.<sup>138</sup> He felt that re-organizing the militia was calculated to excite suspicion in the minds of the Americans, and actually hasten the very event, which the Ministry appeared so much to deprecate. He thought the Bill ought not now to pass. He hoped the minority would not press it, or, if disposed to do so, he hoped that the supporters of the Government would resist the dictation and compel the postponement of the measure for at least six months.<sup>139</sup>

MR. ROBINSON, never entertained a doubt that the people of the country would turn out in the event of a war, and in his opinion there would be no difficulty whatever, in obtaining volunteer companies.<sup>140</sup> It was fortunate that the people of Canada did not estimate their loyalty in the manner of the hon. gentleman. In 1812 they were ready and zealous in repelling invasions from the United States, and guarding the interests of Britain in the Provinces, though they had then no direct interest in the causes which produced the war.<sup>141</sup> There was indeed, some truth in the remarks of the hon. member for Waterloo, that there was nothing so odious in Upper Canada, and he fancied in Lower Canada too, of the<sup>142</sup> ten days drill<sup>143</sup> required by the present militia law. It was of no use, and there was neither order, nor training of any kind. It was simply a muster of men without arms.<sup>144</sup> But put arms in their hands, and give them time to improve themselves in their use, and it would be quite otherwise. They would turn out with alacrity. A young, vigorous country growing so fast as Canada, should no longer be without an efficient Militia.<sup>145</sup> It was the duty of the House to make the measure as perfect as possible, so that efficient companies might be obtained. When the present state of European affairs was considered, some measure for defence had been forced upon the attention of the Government. The Government Commissioners in their report had gone into the matter ably and fully, and he was astonished at opposition coming from some from whom better things were to have been expected.<sup>146</sup>

MR. PAPIN dit que quand il s'agissait de faire adopter des mesures importantes réclamées à grands cris par le peuple, le gouvernement ne faisait que temporiser, et que d'année en année elles étaient remises jusqu'à ce que le gouvernement fût forcé de les adopter malgré lui, et lorsqu'il voyait qu'un refus prolongé mettrait son existence en danger. Combien de temps le peuple avait-il demandé l'abolition de la Tenure Seigneuriale, avant de l'obtenir? Il en était de même pour les Réserves du Clergé. Depuis combien de temps l'opinion publique s'était-elle prononcée en faveur d'un Conseil Législatif Electif? pourtant on ne l'avait pas encore. Le besoin des réformes radicales dans la judicature et dans les lois électorales se faisait sentir à un haut degré; pourtant l'hon. Procureur-général du Bas-Canada avait, ce jour même, en réponse à des questions qu'il (M. P.) avait faites à l'administration, répondu qu'il ne s'occupait pas dans cette session de ces deux grandes mesures. Des réformes dans le système municipal avait été demandées longtemps avant qu'un bill fût présenté sur cette question.

Mais quand il s'agissait d'une mesure que le peuple n'avait jamais demandée, dont il n'avait jamais senti le besoin d'une mesure qui pouvait n'être proposée que pour augmenter le patronage du gouvernement et lui donner la puissance physique dont elle (sic) pourrait avoir besoin pour suppléer à la puissance morale qui lui échappait; oh! alors il fallait procéder à la vapeur, et en finir dans huit ou quinze jours. Pourtant quand il s'agissait d'une mesure qui allait



imposer à la province une taxe d'environ cinquante mille louis par année, il était raisonnable de supposer que l'on donnerait le temps à l'opinion publique de se prononcer, et aux représentans de la chambre de consulter leurs électeurs à ce sujet. Mais puisque l'administration refusait tout ajournement de la question, il fallait discuter la mesure telle qu'elle se présentait, et c'est ce qu'il allait faire. Il était opposé complètement au projet de loi du premier ministre, d'abord parce qu'il ne voyait pas du tout pourquoi le pays avait besoin d'une armée; et qu'il ne savait pas quel ennemi nous avions à combattre. Dans un temps où les relations commerciales du Canada et des Etats-Unis allaient toujours croissantes; où les chemins de fer reliaient si étroitement celles des peuples, après la passation du bill de réciprocité qui augmentait les relations déjà existantes entre ces deux pays, il était inopportun de créer une armée dans le but évident, comme la dernière clause du bill le faisait voir, de combattre les Etats-Unis.

Si c'était une provocation, il faudrait une armée plus forte que celle-là; ce n'était pas avec cinq mille volontaires que l'on soutiendrait l'honneur de la nation canadienne--mais il (M. P.) était opposé au bill pour une raison plus forte encore, parce qu'il établissait un principe nouveau que la colonie ne devait pas consacrer, savoir que: le Canada devait faire les dépenses nécessaires pour conserver cette colonie à l'Angleterre quand elle en retirait des troupes.

Il ne craignait pas de maintenir que l'Angleterre,--si elle voulait conserver son empire dans cette province devrait prendre les moyens de la défendre et de la protéger contre l'aggression de dehors; et que quoiqu'il fût opposé à toute idée qui tendait à séparer le Canada de l'Angleterre par la force des armes, il n'était pas disposé à pousser la loyauté jusqu'à se battre pour maintenir la connexion Britannique, malgré l'Angleterre. Il savait bien que cette déclaration serait considérée comme déloyauté par certains honorables membres de l'autre côté de la chambre qui étaient aujourd'hui plus loyaux que le peuple Anglais même, mais qu'il ne l'avait pas toujours été. Il n'a aucun doute que l'hon. Secrétaire Provincial était prêt à se battre aujourd'hui pour conserver la connexion Britannique aussi vaillamment que, d'après la commune renommée, il s'était battu pour la briser, en 1837--; ainsi que l'hon. Premier qui en 1849 conseillait l'annexion aux Etats-Unis; de même que l'hon. Procureur-Général du Haut-Canada, les honorables membres pour Charleton, Brockville et Prince-Edward qui en 1849, faisaient partie de la fameuse ligue dont le but n'était rien autre chose que de révolutionner le pays--L'Angleterre dans son opinion, si elle voulait conserver le pays, devait en prendre les moyens.

Il ne pouvait s'empêcher de remarquer que ce bill était essentiellement tory, et que ceux qui avaient accepté la coalition devaient voir aujourd'hui qu'elle en était la conséquence. Aucun membre ministériel du Bas-Canada ne voterait pour cette mesure, si elle était proposée par un membre indépendant de la chambre; mais on avait accepté le ministère actuel et on se croyait obligé de le supporter, même dans ses mesures les plus impopulaires et les plus désavantageuses au pays. On subissait la conséquence de l'acte qu'on avait commis, en relevant le parti tory que l'on s'était tant vanté d'avoir détruit.

Si d'un autre côté ce corps de volontaires n'était pas créé pour faire la guerre à l'étranger, dans quel but était-il donc? Etait-ce pour maintenir la paix en ce pays? Est-ce que le ministère actuel dont les membres avait été la cause des troubles de 1837 se proposaient de tenir une conduite assez arbitraire et assez tyrannique pour soulever la population au point d'avoir besoin d'une armée de volontaires pour réprimer l'excitation. Est-ce que la destitution du



geôlier de Québec n'est que le prélude d'une série d'actes de persécution qui doivent nous conduire à une révolution? Il croyait que la création de ces corps de volontaires avait pour but, non pas de protéger le peuple contre ses ennemis, mais de protéger le gouvernement contre le peuple. S'il n'en était pas ainsi, le gouvernement ne presserait pas autant la passation de cette mesure et demanderait au peuple le temps de faire connaître son opinion.<sup>147</sup>

MR. CHAUVEAU se prononce en faveur du bill parce que le pays est assez avancé pour avoir une armée à lui. Après les progrès qu'il a faits dans les arts, le commerce, l'industrie, la littérature, etc., il faut ouvrir une nouvelle et brillante carrière à la jeunesse canadienne. Il ne craint pas de mettre des armes entre les mains des Canadiens; il ne craint pas que les enfants du Canada deviennent une armée prétorienne. Il est en faveur du bill parce qu'il y voit un noyau d'armée canadienne, et il voudrait même qu'elle soit plus considérable qu'on ne le propose. Qu'on dise au peuple qu'il lui manque la force militaire, malgré qu'il ait pris un haut rang parmi les nations, par le commerce, l'industrie, la littérature, etc., et le peuple sera tout en faveur de la mesure, et il sera heureux de la voir adopter. La paix universelle est une utopie à laquelle il ne faut pas songer, et le meilleur moyen d'avoir la paix, c'est d'être prêt pour la guerre. Le peuple du Bas-Canada ne demande que l'occasion d'embrasser la carrière militaire, car le peuple dont il descend est un peuple de braves et de guerriers, et ses ancêtres ont souvent donné des preuves de leur bravoure. La jeunesse canadienne ne manquera pas de se distinguer dans la carrière militaire, comme elle s'est distinguée dans les autres carrières.--Il trouve plusieurs défauts dans le bill, mais il en approuve pleinement le principe. Ainsi il craint de voir ridiculiser des soldats qui le seront seulement dix jours par année, et il voudrait voir établir une armée permanente au lieu d'une milice volontaire; cependant il félicite le pays sur la mesure qui est présentée, et il sera content de la voir adopter.<sup>148</sup>

MR. POULIOT<sup>149</sup>, in French<sup>150</sup>, blamed the imprudence of some expressions which he said had fallen from the member for L'Assumption. That gentleman had truly said that there was no enemy likely to attack the country; but force was wanted, nevertheless, to fight against the party to which the honorable gentleman belonged. The militia was wanted to protect property, their families, wives, and children. He defended the clause providing for the payment of the volunteers when called out to repel disturbance, by the municipality in which their services were required; and believing that Great Britain was now engaged in a struggle for the liberties of the world--a struggle in which Canada was interested--he was of opinion that Canadians should do as much as lay in their power, especially as the mother country was ready to give up the Ordnance property, and showed herself in every way to deserve the gratitude of the country. He concluded by ridiculing the opposition, who he said, had kept open the telegraph office to a late hour the night before in order to repeat the defeat of the ministry by a large majority.<sup>151</sup> [Il] dit que si la province n'a rien à craindre de ses voisins, elle a des ennemis intérieurs à combattre: ce sont les annexionnistes et les rouges qui veulent tout détruire.<sup>152</sup>

Rires et applaudissements de l'opposition.<sup>153</sup>

[MR. POULIOT:] C'est là qu'est le danger, et cela est suffisant pour le faire voter en faveur de la réorganisation de la milice. (Rires.)<sup>154</sup>

MR. A. DORION (de Montréal) dit que l'hon. membre pour le comté de Québec vient de faire une peinture poétique et attrayante des avantages de la carrière

militaire et de l'état des combats, et il (M. D.) ne doute nullement que l'hon. membre ne soit aussi bon guerrier qu'il est bon poète; mais il lui semble qu'il est plus important de discuter la mesure qui est soumise à la chambre, que de savoir s'il vaut mieux être une nation guerrière qu'une nation paisible. L'administration nous présente un projet de loi pour pourvoir à la défense du pays, malgré qu'il porte un autre titre,--mais toutes les clauses concourent à lui donner ce caractère. Quand on demande pour quelle raison on présente cette mesure, on ne peut obtenir de réponse satisfaisante.<sup>155</sup> Now, the country had been at peace for forty years<sup>156</sup>. Il n'y a aucune raison de craindre une guerre avec les Etats-Unis, quand nous venons de passer avec eux un traité de réciprocité--ce qui éloigne encore plus les cas de guerre,--on ne voit pas pourquoi on présente une mesure pour changer l'organisation de la milice sans donner aucune raison pour le faire. Le brave chevalier dit qu'il ne veut organiser qu'une milice de 5000 hommes, et que cela coûtera une bagatelle, que ce n'est rien du tout pour la province. Il lui semble au contraire que c'est quelque chose que d'imposer une nouvelle charge de £50,000 ou £60,000 sur le peuple, pour organiser une armée parfaitement inutile dans un temps de paix aussi profonde que celle dont nous jouissons. Et à part cette dépense, on dit que l'hon. membre pour Renfrew (M. Hincks) va proposer d'accorder cent acres de terre à tous ceux qui s'enrôleront dans cette milice volontaire.<sup>157</sup>

MR. HINCKS.--Cette proposition viendra demain.<sup>158</sup>

MR. A. DORION.--Well, it appeared, at any rate, that the country was to be put to an expense of £40,000 or £50,000, and 100 acres of land for every volunteer<sup>159</sup>. [Il] dit que si cette proposition est adoptée, comme il est très probable, cela fera que cette milice coûtera quelque chose de plus qu'une bagatelle. Quand on reproche à l'administration de venir dans un tems inopportun avec une mesure comme celle-ci, elle nous répond que nous ne voulons pas de milice pour nous défendre en cas d'attaque. Eh bien! cela n'est pas juste, car la milice actuelle, la milice sédentaire, a souvent été appelée à défendre le pays, et elle l'a toujours fait avec le plus grand empressement, elle s'est toujours noblement acquitt[é] de son devoir. L'organisation qu'on propose est inutile dans un tems comme celui-ci<sup>160</sup>. The organisation of volunteers was the affair of 1837 only, and would long remain painfully upon the memory of Canadians.<sup>161</sup> On propose d'organiser un corps de volontaires de 500 hommes, et on veut payer tous ces gens-là 10s, 7s, 6d, 6s 3d et 5s par jour pour le tems qu'ils seront employés à faire l'exercice et qu'ils seront en service actif. Eh bien! il le demande, quel est l'homme qui a une occupation respectable, qui consentira moyennant cette rémunération à laisser ses affaires pour se faire volontaire et aller s'exercer dix jours par année? D'ailleurs, cet exercice n'est qu'une farce ridicule, car ceux qui se seront exercés dix jours par année ne seront pas plus avancés, lorsqu'ils seront requis pour le service actif que ceux qui n'auront eu aucun exercice. Le pays n'a pas besoin de cette milice, qui ne pourra être d'aucune utilité en cas de nécessité. Les miliciens actuels rempliront leur devoir quand il le faudra, et les volontaires qu'on veut enrôler n'agiront que par esprit ou par haine. Il est certain que la portion respectable de la population ne s'enrôlera pas sans en voir la nécessité immédiate, et comme cette nécessité n'existe pas aujourd'hui, il craint beaucoup que ceux qui s'enrôleront ne soient pas les mieux qualifiés pour le service actif.

Une raison qui serait suffisante à elle seule pour le faire s'opposer au bill, c'est qu'on ne veut pas dire pourquoi on présente cette mesure dans un tems de paix comme à présent. Pourquoi ne pas mettre les dépêches du gouverne-

ment impérial devant la chambre, afin qu'on puisse juger si réellement cette nouvelle organisation est nécessaire? D'un côté le gouvernement dit qu'il n'y a pas de dépêches relatives à cette mesure; de l'autre côté le membre pour Renfrew a dit hier qu'il en avait vu une du Duc de New-Castle, et l'on voit par les journaux anglais qu'il y a des négociations entre le gouvernement impérial et le gouvernement provincial à propos de cette organisation.<sup>162</sup> The member for Renfrew had told the house that there was a late despatch declaring that the British Government was still determined to defend the country, while the report said that Government would give up the Ordnance Lands.<sup>163</sup> Il n'est pas juste de forcer la chambre à voter une loi comme celle-ci sans savoir ce que veut le gouvernement impérial et ce qu'il attend de nous.--Les commissaires mêmes dans leur rapport sur lequel est basé ce projet de loi font mention d'une dépêche du gouvernement impérial (voir page 14), et cependant le chef du gouvernement, l'un de ces commissaires, vient dire qu'il n'y en a pas. La chambre a le droit d'exiger que cette dépêche lui soit soumise avant d'être obligée de voter cette loi. C'est une insulte lui faire que de la cacher, puisque les commissaires ont pu la voir, et cela prouve qu'il y a des motifs cachés qu'on n'ose pas avouer pour proposer cette mesure.--On voit dans le rapport que les conditions de l'abandon des propriétés de l'ordonnance par le gouvernement impérial, sont que la province pourvoira à sa propre défense.<sup>164</sup> That this was what the commissioners understood and desired to prepare for was evident from the seventieth and last clauses of the bill.<sup>165</sup>

MR. SOL. GEN. H. SMITH (Frontenac,) said that these were to be dispensed with.<sup>166</sup>

MR. A. DORION understood that--he understood that they were said to have been inserted in error; but the whole context of the bill proved that it was this that was intended.<sup>167</sup> C'est donc une armée qu'on veut lever au profit de l'Angleterre, pour lui conserver sa colonie, et non une simple milice. On demande aujourd'hui, en tems de paix, 5,000 hommes que la province devra payer, et si dans dix ans, ou avant, il survient une guerre, ou en demandera 50,000, que la province paiera également. Ce qu'il voit de plus clair dans cela, c'est que la milice sera une charge perpétuelle pour la province, et lors même que l'administration ferait disparaître la 70e clause qui pourvoit au paiement de la milice par la province lorsqu'elle sera en service actif, cela ne signifierait rien. En rapprochant les différentes clauses qui pourvoient au paiement des volontaires (clauses citées par M. Foley), avec le rapport, il est évident que l'intention de l'auteur de cet acte était de faire de cette milice une charge perpétuelle pour la province, au lieu d'en laisser le paiement en tems de guerre à la charge du gouvernement impérial, comme ci-devant.

Tous les bills de cette nature ne sont ordinairement que pour une période limitée et ceux que nous avons eu jusqu'ici n'ont eu qu'une durée d'une, trois ou cinq années, sauf à les continuer, comme cela se fait en Angleterre où ces sortes de lois sont votées annuellement.

Mais on n'a pas encore répondu à l'objection la plus importante qu'il y ait contre le bill, celle qui a été faite par l'hon. membre pour Montréal (M. Holton) que la colonie était appelée à payer les frais d'une armée et à supporter les dépenses d'une guerre, si elle survenait, qui serait déclarée sans notre participation ou notre assentiment, et dans laquelle nous ne pourrions pas même stipuler notre neutralité. S'il plaît à l'Angleterre d'avoir une querelle avec les Etats-Unis et de leur déclarer la guerre, le Canada sera obligé d'épouser cette querelle et d'en payer les frais, qu'il la trouve juste ou non, et sans que cette querelle l'intéresse le moins du monde. C'est là sa principale



objection contre le bill, car il n'est pas juste de subir tous les inconvénients et de supporter toutes les charges d'une guerre faite au profit ou dans l'intérêt de l'Angleterre seule, car il n'est pas possible que le Canada, situé comme il l'est, puisse donner lieu à une guerre avec les Etats-Unis. Personne n'a encore répondu à cette objection, et il aimerait bien que quelqu'un le fit. Il y a encore plusieurs difficultés de détail qui rendent le bill tout à fait inacceptable au peuple.

Il y a par exemple la 8<sup>le</sup> clause, qui forcera les habitants à recevoir les volontaires dans leurs maisons à raison de huit sous par jour, et les soldats de cavalerie avec leurs chevaux pour vingt sous, qui rencontrera partout l'opposition du peuple, et personne ne voudra s'y soumettre. On a fait semblant de copier l'ancien bill de milice en rédigeant celui-ci, mais on a eu le soin de changer les clauses les plus importantes. L'ancien acte disait formellement que la milice ne sortirait de la province que dans un pays limitroph[e] et dans les cas de danger imminent d'attaque, mais par celui-ci il n'y a pas les mêmes restrictions. Il est aussi opposé au bill parce qu'il décrète l'infériorité des officiers canadiens vis-à-vis de ceux de l'armée anglaise; on a répondu à cela qu'il ne serait pas juste de donner le pas à un jeune officier de milice sur un ancien officier du même grade de l'armée régulière,--mais on peut se servir du même argument contre le bill en disant qu'il n'est pas juste qu'un jeune officier de l'armée anglaise prenne le pas sur un ancien milicien du même grade. Ce serait une insulte faite gratuitement aux miliciens, qui ont toujours fait leur devoir lorsqu'ils en ont été requis, et qui ne méritent pas cette humiliation. La seule règle juste à observer serait donc de déclarer que les officiers de même grade conserverai[en]t leur rang que leur assure la date de leur commission.

Quelques membres ont voulu faire voir que cette mesure entraînerait peu de dépenses, mais en référant au rapport des commissaires on verra qu'ils les estiment à £25,000, seulement pour commencer. Pour lui, il pense que les dépenses s'élèveront au moins à £50,000 ou £60,000, parce que le paiement de l'adjudant général, de ses députés, et des 90 officiers créés par les différentes clauses de ce bill, n'est pas compris dans l'estimé des commissaires.<sup>168</sup> He then pointed out how in England the standing army beginning with a very small force had been frequently increased, merely to give employment to the favorites of administrations, and he suggested that the same thing would occur here (sic), where already it was proposed to create ninety officers of superior grade, besides inferior officers. It was time that we had a Canadian feeling--a feeling that when English interest clashed with Canadian interests would place the latter first; and looking at it in this manner, he could see no necessity for this outlay of money. Had it been begun and continued during the forty years of peace, the country would have been put to an expense of £20,000,000, merely for the pleasure of saying that there was a military force.<sup>169</sup> Cette organisation de la milice coûtera beaucoup d'argent à la province inutilement, et il vaudrait beaucoup mieux augmenter l'allocation des écoles que de payer des volontaires qui seront une cause de démoralisation dans le pays, comme ils l'ont été en 1838. Il y a longtemps que le surintendant de l'éducation demande l'augmen[tat]ion de l'octroi. Au commencement de chaque session la table de cette chambre se couvre de requêtes se plaignant de ce que cette allocation n'est pas suffisante, et on n'a jamais trouvé moyen de le faire; eh bien! qu'on accorde ces £50,000 pour l'éducation de la jeunesse, éducation qui offrira ainsi qu'au pays entier d'autres avantages que celle que cette jeunesse obtiendrait dans les rangs de la milice volontaire. Pour toutes ces raisons il votera contre le bill.<sup>170</sup>



MR. LORANGER.--Without retorting accusations for accusations maintained that every state must have such an amount of physical force at its disposal as would make its authority respected, and if it were now necessary to demand this reorganization of the militia, it was because Great Britain being about to withdraw her troops, the colony must defend itself. It was in the interest of the colony, and not of Great Britain, and the law must be passed, for no one was prepared to declare more loudly than himself that the colonial system--the system of the inferiority of Canada--could not remain long. The destiny of the country was plainly to be independent. But he was no annexationist--not at all disposed to throw the infant into the arms of the giant, and that was the reason he condemned the speech of the member for L'Assomption, which was annexationist and nothing but annexationist.<sup>171</sup> The measure had been represented as a corrupt, tory and despotic measure by the member for Montreal, and by the Member for L'Assomption. It was neither a monarchical, aristocratic measure nor Democratic measure, but a system of necessity. There was a natural limit to the Colonial system, and sooner or later it must fall.<sup>172</sup> He then mentioned some of the provisions of the law, contending that they were perfectly harmless, and that the volunteers raised under them would be a force entirely different from those of 1837 and 1838. As to the expense, the opposition was exaggerating it, just as they exaggerated the cost of working the Seigniorial Tenure bill. For his own part the cost would, he believed, be very inconsiderable, and the alleged monstrous patronage worthless. He ridiculed the idea of putting off the preparation for war till war was upon us; thought that to refer such a measure to the country would be equivalent to going home and telling the people to legislate for themselves, and concluded by a highly animated appeal to all Canadians to remember the military glory of their ancestors, and that following their example, the country must be defended and that they would defend it.<sup>173</sup>

MR. LABERGE dit qu'il est difficile de s'opposer à ce bill après les beaux discours qu'il a entendus ce soir, surtout après celui de l'hon. membre pour Laprairie. Il comprend qu'on puisse se laisser prendre au clinquant de l'art militaire, et qu'on puisse jeter de la poudre aux yeux, surtout quand on a le talent d'en faire une poudre d'or; il comprend que dans ce but on ne s'attache pas à discuter la question dans son véritable mérite, et à envisager les conséquences qu'elle peut avoir sur notre avenir et sur notre présent,--mais quand on l'envisage de sang-froid, on en vient à porter un jugement tout à fait différent de celui qu'on voudrait nous faire porter au moyen de discours très poétiques. Il ne trouve pas surtout étonnant que l'hon. membre pour Dorchester (M. Pouliot) soit pleinement satisfait, et ce qui au contraire l'étonnerait beaucoup, ce serait de le voir s'y opposer, parce qu'on est habitué à voir l'hon. membre se déclarer satisfait de tout ce qui vient du gouvernement. Le membre pour Laprairie a dit quelque chose qu'il (M. L.) a été bien aise d'entendre de sa part, il a fait un aveu que tous les loyaux et les archi-loyaux sont obligés de faire quelque fois, malgré qu'il leur répugne. Il nous a dit qu'il croyait en effet que le Canada verrait bientôt l'aurore de son indépendance et qu'il fallait s'y préparer.<sup>174</sup> But if that was so, what became of all the declamation, recrimination and reproach which had been poured out even to satiety upon those who opposed the law, as "annexationists," "sympathizers," "disloyal," and "people who wanted to deliver the country as an infant into the hands of a giant." If the country must one day be independent of English rule, where was the crime of seeing in the future incorporation with the United States more elements of greatness, freedom and power than in a state of isolation? What difference was there in the amount of disloyalty between the two ideas, since

both looked to a severence (sic) of the connection with the crown? Let him answer, then, once for all these attacks about annexation. The annexationists have done nothing but what was peaceful, legal and orderly. They had sought to influence the mind of the country by argument, and when they found the country did not respond, they had discontinued the agitation.<sup>175</sup> Mais pour en venir à la question, il doit dire que ceux qui prétendent que ce bill apportera peu de changement à la loi de milice actuelle se trompent beaucoup. On dit que cette loi ne changera rien à la condition actuelle en faisant un soldat de chaque citoyen, parce que tel est le cas aujourd'hui; mais il y a la différence que les soldats d'aujourd'hui ne le sont que sur le papier, sur la gazette officielle, tandis que le bill en fera des soldats réels, forcés de marcher au premier commandement-- et c'est une chose que le peuple n'acceptera pas. Il n'y a rien d'étonnant que le peuple ne soit opposé à la milice actuelle, mais il en sera peut-être autrement quand on voudra mettre ce bill à effet.--La question ramenée sur son véritable terrain lui semble bien claire: on nous demande de faire comprendre à ce peuple qu'il y a une grande carrière d'ouverte à la jeunesse canadienne, par cette (sic) mesure. Le peuple était indépendant, s'il pouvait faire comme il l'entendait dans une question de guerre, personne ne s'opposerait au bill; mais il n'est fait que dans l'intérêt de l'Angleterre, pour que nous la soutenions dans les guerres qu'elle peut entreprendre contre la Russie ou les États-Unis. Il ne voit pas d'autre but pour cette milice, tant que nous serons colonie. Si ce n'est pour cela, à quoi bon cette armée? Il nous est impossible de déclarer la guerre aux États-Unis tant que nous serons colonie, car dans le cas de difficultés, les États-Unis s'adresseraient ou répondraient à la métropole, et non pas à nous. Craint-on les flibustiers américains pour le hasard?

L'histoire est là pour prouver que quand il a fallu repousser une invasion, les Canadiens l'ont fait sans qu'il ait été besoin d'avoir d'avance une organisation comme celle qu'on propose. Depuis le commencement des débats, personne de ceux qui supportent le bil[1] n'a pu dire de sang-froid que nous devons payer les dépenses d'une guerre entreprise par l'Angleterre, et à son unique profit, avec les autres pays; cet argument a été employé par plusieurs membres contre le bill, mais il n'a pas entendu un seul mot pour le réfuter.<sup>176</sup>

Voix à droites.--Ce n'est pas la question.<sup>177</sup>

MR. LABERGE.--Ceux qui disent cela ne voient guère de question dans cette affaire, mais jusqu'à ce qu'on l'ait convaincu qu'il a tort, il persistera à croire qu'il a raison. On propose d'organiser une armée de 5000 hommes. Que pourra faire cette force contre une invasion étrangère, par exemple?<sup>178</sup> An army of 5,000 men drilled for ten days would be ridiculous as a means of defence<sup>179</sup>. Cette force est trop faible pour servir d'armée de défense, et elle est trop forte pour la police intérieure, surtout quand on se propose d'organiser une autre police intérieure. Personne ne croit qu'une force militaire n'est pas nécessaire, mais on peut croire que cette organisation de la milice est inutile et impolitique. La milice canadienne a déjà repoussé l'invasion étrangère ... sans cette organisation, et quand cela sera nécessaire, elle le fera de nouveau sans cette organisation. Il est aussi opposé au bill à cause du patronage immense qu'il doit créer. Il est certain qu'avant longtemps cette force sera augmentée, et les dépenses le seront en même temps. Si cette force n'est pas suffisante pour maintenir la loi, on ne reculera pas devant une dépense de \$100,000 de plus, s'il est nécessaire, pour qu'elle ne devienne pas la risée de l'étranger et du pays. On viendra chaque année demander des augmentations en hommes et en fonds; ce bill n'est qu'un essai qu'on fait, et on en verra bien d'autres.<sup>180</sup>

MR. TURCOTTE would have voted against the bill as it was first introduced, because he thought it absurd for a country to be called upon to pay for the expenses of a war in which it had no part; but he regretted to hear the member for Iberville speak against the bill as it stood, and was sure that if the question were put from one end of the country to the other, French Canadians would answer "Yes!" "Yes!".... They felt the world ought to be relieved from all fear of Canada being exposed to the danger of invasion. Besides it was the beginning of a new and noble career for the youth of the country. Would the member for Iberville deny that at present all the liberal professions of the country were encumbered by two (sic) many practitioners, and that the young men had to go into exile to procure a living? Or would he deny that for the complement of the greatness of any country, military genius was as necessary as genius of any other order? It was a brilliant career then that would be opened to the young men of the country, for as in France promotion could follow on nothing but merit. The allusion to the volunteers of 1837 had no force whatever.--Those who fought against England in 1837 did so because they believed their liberties were invaded, and the volunteers were employed to put them down. But now Canadians were their own masters, and were governed by two parties who were engaged in that House in the struggle of intelligence. This was what those who, in '37, fought to secure, and a few companies of armed men such as were to be established by this bill, might have changed the face of that affair, and have prevented the death of Cherrier. Did the members for L'Assumption or Iberville believe that even England would dare to dictate, when Canadians had arms in their hands. No! England must then at least say with sincerity, "Govern yourselves." To call upon the colony to defend itself was, then, the greatest mark of the confidence reposed in it by Great Britain<sup>181</sup>--a confidence which had never before been placed in any of her colonies. We should feel proud of that confidence. He thought the Opposition open to attack because of the unanimity with which they opposed every measure of the Government. Every man of patriotic feeling must desire to see his country defended by its own people rather than by foreign bayonets. This was the question, and he thought it not difficult to decide upon it.<sup>182</sup> As to the necessity of the measure for colonial purposes, there could be no doubt. It was well known that there had been societies of fillibusters engaged in attacks elsewhere, and meditating attacks upon Canada. Even in Quebec these persons had their fellow conspirators, though he was happy to say not among French Canadians. Against such dangers the same organization was necessary at once; and hereafter it might be useful against perils of a more serious character.--The time might indeed come when Great Britain, which now behaved to us like a mother, might assume the position of a step-mother, and we should then be in a position to join our brethern (sic). Taking the question seriously, it was just that of "to be or not to be." We must be prepared, at any rate, against a coup de main, and as to annexation the Know-Nothing societies, those disgraces of the 18th century, must effectually deter any Canadian, well contented, to offer no opposition. Again, had the bill been one merely for the reorganization of the militia, he would not have voted against it, whatever it might have been, but it appeared from the statement of the Solicitor General West that the law was not prepared by the ministry, but by another person had been submitted to the House. The hon. member then read several passages from the report, showing that more than the reorganization of the present militia was to be provided for, and he went on to say that the expenses must be very considerable, and like all such estimates, those now submitted to the House, were but the beginnings, which would be followed by constant extensions. Even the Bureau



of Agriculture required additions, and every new ministry must of course saddle new followers on all the departments. The House was assuming new duties altogether, and the bill was, therefore, not a reorganization of an old system, but the assumption of the defence of the colony.<sup>183</sup>

MR. BROWN rose and said: I regret very much, Mr. Speaker, that it should have been found necessary by honorable gentlemen on the other side of the House, to introduce so much personal feeling into this discussion, and especially, to bandy accusations of disloyalty and annexation tendencies against gentlemen on this side. (Hear, hear.) Whatever may have been the passing feelings entertained at different periods in the history of this country by persons of either political party, I am quite sure that should the militia of this province ever again be called out for active service, the large party throughout the country holding political affinities with gentlemen on this side of the House equally with the party adhering to gentlemen opposite, will be found ready to rally as one man round the standard of the empire. (Cheers.) I cannot but consider it as most unfortunate that any such allusions to past states of feeling as we have listened to in this debate, for the mere attainment of some temporary party end, should at any time be sent abroad to the world in the proceedings of this House. (Hear, hear.) But I do feel it particularly unfortunate that these charges--groundless and inconsiderate as we all know them to be--should be mixed up in the discussion of the measure at this moment before the House. If any doubt, sir, ever crossed my mind as to the proper course to be pursued in regard to this Militia Bill, it would arise from the fear--the passing fear--that my opposition, and that of my friends, might be represented as inimical to Great Britain--lest it should be said that we were taking advantage of a moment when the mother country was involved in war, to excite feelings hostile to the connection that has so long existed between this provinces (sic) and the British Isles, (hear, hear,) that we basely used such an occasion to oppose a measure necessary to the protection of British interests on this continent. Sir, I am sure I speak the sentiments of every honour[a]ble member on this side of the House when I say that nothing could be more abhorrent to us than such an idea.<sup>184</sup>

Loud cheers from the opposition.<sup>185</sup>

[MR. BROWN continued:] I am convinced that every man in this House entertains the warmest sympathy towards the mother country in her present position--that we all have the most ardent desire for the success of the Allied Armies in the East; and far from throwing embarrassments in the way, would heartily accord any assistance in our power to strengthen the hands of the Imperial Government. (Cheers.) For my own part, sir, could I believe this Militia Bill connected in any shape with the great contest now waging in Europe for the liberties of the world, hurtful and burdensome to our province as I regard its provisions; I would not have said one word in opposition, but silently have let it pass. At the risk of being ranked in the category of "ancient fossils," I do not hesitate to avow that I yield not even to the honourable and learned member for Toronto, (Mr. Cameron,) in an ardent admiration of the British people, of British institutions--in a love of all that is connected with the name of Briton! (Cheers.) For one, sir, I am perfectly satisfied with the connection we now hold towards the mother country; I am well content to sit under the proud protection of the flag of England, as we know of no colony, in the whole records of history, that ever occupied the happy relations Canada now does to Britain, so do I know of no people enjoying higher blessings, more true liberty, more solid comforts than we



happily possess. (Loud cheers.) But just because I entertain these feelings, from the very earnestness with which I hold them, do I regard with alarm the bill before the House. I think that next to the Elective Council Bill of the honourable gentlemen opposite, it is of all measures calculated to sow the seed, of change in our relations to Great Britain. I ask honourable gentlemen to dismiss all party feeling from their minds in the consideration of this question; to look at it fairly in all it[s] effects and bearings, and to pronounce their verdict upon it with a single eye to the interests of their country. What, Mr. Speaker, is this bill, what are its objects? We have been told over and over again, that it is merely a bill for the "re-organization of the militia." Had this been true, sir, I could have voted for the second reading with a view to amending the bill in committee, and failing success in that, have voted against it on the third reading. But is it true that this bill proposes nothing more than a re-organization of the militia? Let us inquire. The bill is avowedly founded on the Report of a Government Commission; that Report is in our hands, and the honourable Solicitor General has told us that the bill was not drawn by any member of the Government, but that the Report was handed to a clerk, who, from its recommendations, framed the bill before us and its adjunct the Police Bill.<sup>186</sup>

MR. SOL. GEN. H. SMITH.--I said nothing about the Police Bill.<sup>187</sup>

MR. BROWN.--I understood the hon. gentleman to speak of bills, not of a bill. But we were assured by another member of the Government, last evening, that the Police Bill would follow this one, and that it was hoped both bills would be put through this session.<sup>188</sup>

MR. SOL. GEN. H. SMITH.--Who said so?<sup>189</sup>

MR. BROWN.--I think the Inspector-General, or the Attorney-General East. But the question can be easily settled,--is it true or not? (Hear, hear.)<sup>190</sup>

MR. PRES. EX. COUN. MACNAB.--Who said it?<sup>191</sup>

MR. BROWN.--That may easily be discovered by reference to the report of the debates; but if hon. gentlemen opposite are prepared to deny that the Police Bill will be brought down this session, I will at once withdraw the statement. (Hear, hear.) Nothing can be more fair than that. Is it true, or is it not? (No answer.) Now, Sir, I hold in my hand the Report of the Military Commission --and what do I find from it? That a mere re-organization of the Militia is recommended?--<sup>192</sup>

MR. PRES. EX. COUN. MACNAB.--Is that the Bill in your hands?<sup>193</sup>

MR. BROWN.--It is the Report of the four Commissioners, of whom the hon. Premier was one, and on which the Solicitor-General says that the Bill was framed. The Bill was drawn up to carry out the recommendations of this Report; and the object the Government had in view in issuing that Commission--the purpose for which the Commissioners sat--we find this stated: "Report of the Commissioners appointed to investigate and report upon the best means of re-organizing the Militia of Canada; and PROVIDING AN EFFICIENT AND ECONOMICAL SYSTEM OF PUBLIC DEFENCE." (Hear, hear.) Then, on page 8, in regard to the Sedentary Militia, it is said, "This force is the main source of the defence of the Province." On page 10, it is said, "There are certain portions of the Province more liable to invasion than others," &c. The whole Report evidently proceeds on the idea that the grand object of the Commission was to provide a

system of defence against invasion, and to provide a general military system for the Province. On page 12, it is said--"In case of war, the services of a Provincial Marine for the purpose of manning gun-boats, of working great guns, as well as being trained to small arms, becomes of much importance to the defence of the Province." The whole of this report, and the whole provisions of this Bill are based on the view that war may ensue, and that the defences of the Province are in such case to be left in the hands of the Provincial Government. (Hear, hear.) Why should there be any doubt thrown upon this, when no one can read the bill without seeing that this is its whole sum and substance? Its every provision is to this end. There is to be a regular standing force of 5,000 men, drilled and equipped at the Provincial expense. Minie rifles, of the best description, with accoutrements and clothing for 100,000 men, are to be purchased, at the expense of the Province.<sup>194</sup>

MR. PRES. EX. COUN. MACNAB.--Where do you find they are to be purchased at the expense of the Province?<sup>195</sup>

MR. BROWN.--In your own report, (reading from the report), "The Commissioners are of opinion that not less than 50,000 stand of percussion arms, with a like number of accoutrements and ammunition"--<sup>196</sup>

MR. PRES. EX. COUN. MACNAB.--Read from the Bill!<sup>197</sup>

MR. BROWN.--The hon. gentleman, if he has read his own report and his own bill, must know that I am not speaking at random. The 8th clause of the bill says, "Provision shall be made for arming and equipping the Sedentary Militia as infantry, with Minie rifles or percussion, muskets, bayonets, and proper accoutrements; and a sum not exceeding in the whole\_\_\_\_\_, nor exceeding\_\_\_\_\_, in any one year, may be expended for the purchase of such arms and accoutrements." (Hear, hear.) This is the provision of the bill; and by turning to the report, we find how those blanks in the bill are intended to be filled up. The Commissioners recommend that "not less than 50,000 stand of percussion arms, with a like number of accoutrements and ammunition in the proportion of 100 rounds for each musquet, should be deposited in the armouries set apart, for the Sedentary Militia, for the immediate armament of that force; and that a like amount should be retained in stores at Kingston, Montreal, and Quebec, with reserves of ammunition for artillery and infantry, in due proportion." (Hear, hear.) And the Report goes on, "These numbers may, at first sight, appear to be large; but when the extent of frontier to be defended is taken into consideration, as well as the largely increased means of aggression which, since the last war could be brought to bear against the Province, they submit that a less amount would not suffice for a successful defence." Here it is taken for granted that we are to provide for the defence of the whole extent of our frontier; and how any hon. member can attempt to say, in the face of all this, that the object of the bill is not to provide for the defence of the country, but merely to re-organize the Militia. I confess I cannot understand. (Hear, hear.) But this is not all. The bill provides that 200,000 men shall be called out for muster one day in every year. A more useless expenditure of time and labour, to take the lowest view of the matter, cannot be conceived. Every one knows these annual musters are a broad farce. How can a man, by going out for a few hours of one day in the year, gain any military knowledge or training--and why insist on so useless a waste of time? (Hear, hear.) Then, we are to have a complete army staff--adjutant-generals, quarter-masters, and inspectors--studded all over the country. We are also to have armouries and arsenals permanently garrisoned; we are

to have stores of ammunition, regularly maintained, and we are to have a Provincial Marine--sailors regularly trained, and of course ships to train them with. (Hear, hear.) And let every honorable member recollect that this is but the commencement of the system; and I ask them to reflect when we have such beginnings, who can tell what will be the end of it? (Hear, hear.) If you once establish military establishments throughout Canada, at the expense of the province, there will be a constant pressure from certain quarters to enlarge them. We see this now in every public department. Open a new office, whether it be the Bureau of Agriculture or any other equally useless department, and soon you find a necessity is discovered for the creation of some new duty, or some new appointment in connection with it. So it has been throughout the civil service, and so will it be, but to a much greater extent, with this new military establishment. When the honorable gentlemen on the Treasury Benches pretend then that this Bill involves no new principle, that we are only asked to re-organize the militia and nothing more, I think they are not treating the House with that candour and courtesy that ought to be extended to us. (Hear, hear.) I ask if the provisions of this Bill which I have named, are old or new provisions? Did the Province ever before undertake the duties contemplated in this bill? Is it not in fact a bill to transfer from the Imperial Government to the people the military defence of the Province? It is manifest that it is so--there can be no question that this is the real object of the bill. (Hear, hear.) To represent it in any other view is not right, and I am sorry that the government should have endeavoured to do so. But, Mr. Speaker, I am free to admit that this change in our position to the British Government may be necessary. It may be that the British Government have determined that they will no longer bear the burden of the defences of the Province. And I am free to say for one that if the Imperial Government shall tell us this and give us fair warning that the time has ceased when they can sustain that burden any longer, and that we ourselves must assume it. I say that deeply as I would regret such a decision on their part, from the fear that it might affect the future relations of this colony to the parent country,--I would yet be prepared at once to meet honorable gentlemen opposite on that ground, and try with them to devise such measures as would be wise to adopt in the changed position of our relations. (Hear, hear.) But have we the slightest proof that this great change in our relation is demanded of us by the Home Government? Have we any information before us warranting for a moment the adoption of such a conclusion? It is true, sir, that the Commissioners make the following statement in their report--"And, moreover, it must be remembered that the Imperial Government are prepared to hand over to this Province a large and very valuable amount of Ordnance Lands, in consideration of the Provincial Government making ample provision for the ordinary defence of the colony"--and yet they tell us this is a mere re-organization of the militia and not a Bill to provide for the defence of the Province!--"and occupation by a local force of those posts which in the event of war, require to be garrisoned by British troops." In a succeeding paragraph the Commissioners allude to "a Despatch from the Secretary of State for the Colonies, which has been brought under their notice, in which an offer is made by the Imperial Government to surrender all the Military Reserves in the Province, with the exception of such portions of these Lands at Kingston, Montreal and Quebec, as are essential to the military defence of the colony, in consideration of the Provincial Government making ample provision for the ordinary defence and protection of the Province." Could there be any greater insult to this House and to the country, than that despatches such as those alluded to should have



been laid before three Government Commissioners, and yet be kept back from the representatives of the people. (Hear, hear.) Is it right that ministers whom we ourselves have made, should depute three or four gentlemen to manage this great question for us--that they should entrust those important despatches to them and keep them back from us? (Hear, hear.) Is it right that we should be asked to legislate in the dark on a matter of such vital importance? Sir, I do think if we submit to such treatment, we shall degrade this House in the eyes of the people. (Hear, hear.) I do think we would be unworthy of public confidence were we to consent to proceed to the consideration of a reason such as this, without having before us not only every document that was submitted to the Commissioners before they drew up their report, but every letter and despatch that exists upon the subject. (Hear, hear.) The government tell us there is a despatch. Why is this despatch concealed from us? What does it contain beyond the little extract we have seen? What if it should turn out that the four Commissioners have mis-conceived the purport of that despatch altogether? (Hear, hear.) Is it not but the other day that a great railway scheme for this province, involving millions of money, was ushered to the country on the faith of a despatch, and after an infinity of trouble and the expenditure of no small sum, did it not turn out that the reading of the despatch was a false one, and the scheme ended in failure? (Hear, hear.) And how do we know but these gentlemen also may have mis-conceived the intentions of the Imperial Government on this deeply important question of the defences of the province. Shall we be content with the judgment of any gentlemen in a matter of this importance, or is it not rather our duty to insist on seeing the document for ourselves? (Hear, hear.) The hon. member for Essex (Mr. Rankin) properly represented that the effect of this bill would be to loosen the connection between Great Britain and this colony. I do believe that is to be the effect of it, and I will show how. We have heard it stated by hon. members to-night that this bill will produce bad feeling between this colony and Great Britain, because expenses will be thrown on this country which Great Britain ought to undertake. Sir, I have not the slightest sympathy with these feelings. (Hear, hear.) I know that the noble British people would be the last to show illiberality in any transaction with this province. (Cheers.) In all her relations with her allies, and with foreign countries, Great Britain has ever been only too generous, and nothing could be more unjust than to doubt the fidelity of Great Britain in implementing every engagement she may make with us. (Hear, hear.) At the same time we cannot look this matter boldly in the face, without feeling that all men will not continue to look on our relations with Great Britain in the light that most of us do now. Very many of us, Sir, drew our first breath in Great Britain, and it is only natural that we should have peculiarly strong affections towards the mother country. But on the other hand there are in our country many persons who look upon themselves entirely as Canadians. (Hear, hear.) Their feelings are as strong towards Canada as ours are toward the soil of our own native land--they have not lived in Britain--they are not bound by the same ties as we are. And how greatly must this feeling be increased when a few years pass away. (Hear, hear.) Does the hon. premier think that a country fast growing to manhood in this way, would submit to a system like that which he is now instituting?--a system under which the people of Canada are to bear all the burden and pay all the expense of defending the province in time of war, while at the same time they have so voted in the declaration of that war for the restoration of peace? (Hear, hear.) It would be unreasonable and unstatesmanlike to fancy that any people would long submit to an arrangement so unfair. (Hear, hear.)



Let, then, the government bring down those despatches of which the Commission speak, and let us consider the matter, in all its relations, and decide upon it, after mature reflection, as wise and considerate men should. But I am not prepared, on a mere Report of Commissioners, founded upon papers before them which we have never seen, to pass a bill which would not only weaken the connection between Great Britain and this country, but would impose a large burden on our people, which has not been brought under their consideration, and to which, had they time to consider it, I am convinced they would be strongly opposed. (Hear, hear.) But, sir, the honourable and learned member for Toronto reminds us that the Imperial Government are engaged in a war in the Crimea, and he avers that they have been compelled, temporarily, to withdraw nearly all their troops from Canada, and that it has become absolutely necessary that provision should be temporarily made for garrisoning our forts, and maintaining the ordinary defences of the country. Now, if the Government would fairly put their bill upon that ground, and state that provision is to be made for merely temporary purposes, I for one would be most happy to consent to it. I am quite willing that every soldier should be withdrawn from this country, that every assistance in our power should be given to Great Britain at the present time, (hear, hear,) and I am prepared to vote any sum which may be necessary to provide for the defence of the country while those troops are temporarily withdrawn. But have we any such statement before us on the part of the Government? And supposing there were, supposing all this were the case, would such an immense force be required, as the demand now made upon it? Is there any appearance of war against this Province? Our relations with the United States are of the most amicable character, and nothing could be more absurd than to fear hostilities breaking out with that country, the only one with which we could possibly be embroiled? I cannot but deem it totally inexpedient to attempt to raise in this country anything in the shape of a military ardour. I do not think we have yet reached that stage when such luxuries can be indulged. (Hear, hear.) By the cultivation of the peaceful arts may Canada flourish. Since the war of 1812 40 years have passed over us without any change in our militia, although often during that period there have been difficulties--threatening difficulties with our republican neighbours. Why then, when almost every chance of difficulty is gone,--when we have just concluded a Treaty of Reciprocity Trade, and when the St. Lawrence question, the Fishery question, the Oregon question, the Eastern Boundaries question,--when all those questions in fact that could possibly embroil us with the States have been amicably settled--why should the Government come down in such hot-haste, and ask us to make all those warlike preparations, to establish a line of forts along our borders, and to place the whole country on a species of war footing.<sup>198</sup>

MR. PRES. EX. COUN. MACNAB.--Where do you find the line of forts?<sup>199</sup>

MR. BROWN.--On page 14 of the Report. "With regard to the occupation of the posts referred to, viz; Isle aux Noix, St. Johns, Sorel, Three Rivers, Bytown, Coteau du lac, Fort Wellington, Toronto, Fort Missipagua, London, Chatham, Fort Maiden, and Penetanguishene, by a local force as essential to the security of the buildings, &c., it appears to the commissioners that 100 men would be a sufficient local force to take charge of these Forts and Barracks under ordinary circumstances."<sup>200</sup>

MR. PRES. EX. COUN. MACNAB.--Is that building a line of forts?<sup>201</sup>

MR. BROWN.--I did not say "building"--I said "establishing"--but in fact some of them are to be built, while others, by the provisions in this Bill, are

to be enlarged and repaired. (Hear, hear.) And if the defence of the Province is to be thrown upon us we must calculate on all this and a great deal more. But I am not prepared to look at the matter from that point of view at all. (Hear, hear.) It remains yet to be proved to us that the British Government intend to throw us into that position, and until that is proved, I will not enter into the consideration of that view of the case at all. I ask the House to look at the unlimited expenditure which this Act involves. It provides that "all sums of money required to defray any expense authorized by this Act, may be paid out of the Consolidated Revenue Fund of this Province, upon warrant directed by the Governor General to the Receiver General; and such warrants may be made in favor of the Adjutant General of militia, to enable him to pay such expense, or in favour of the party directly entitled to the money." This gives the very widest authority to the Adjutant General and to the Executive to spend money as they may think proper. (Hear, hear.) Are we prepared to pass such a measure as this? I think not. But it is said by some hon. gentlemen, the Home Government have not altered their relations towards us--and no troops are wanted to hold the forts while the war goes on in the Crimea--but the Provincial Militia really requires re-organization. Well, Sir, I am prepared to meet that issue--I am sure every member on this side is prepared to promote any judicious plan for the mere re-organization of the militia. To what extent changes in the present system should be made, I confess I am not very competent to decide--not being by any means addicted to the military passion; but of this I am satisfied that, If Great Britain is still to sustain to us her past relations, a measure on so extensive a scale as that before us is by no means necessary. (Hear, hear.) We have gone on very well for 40 years with our present militia, and I cannot see why we should not go on in the same way for many years to come. But hon. gentlemen opposite say that we want provision to be made for internal tranquillity of the country. I am prepared to look that issue also in the face, and to meet the Government on it in the most favourable light; but it must be remembered that in addition to this militia bill we are asked to pass a Police Bill specially for that purpose, and which alone is to involve the country in an expense of £44,000 per annum. (Hear, hear.) And as the actual expenditure always exceeds the estimate, who can tell how much more it will cost? (Hear, hear.) I am as positively convinced as I can be of anything that, if these two Bills pass--and the one is the natural adjunct of the other--an annual burden will be fastened on the province at the very outset of a sum not far from one hundred thousand pounds per annum! (Hear, hear.) How earnest have been the cries heard abroad about retrenchment,--very often about matters of £4,000 or £5,000 a year?--and yet we are asked to saddle this immense burden on our constituents without giving them a day to consider the proposition? The gallant knight says he would limit the operation of this Bill to three years. But this is no boon whatever--for once put in operation, it will be very difficult to set a limit to it. How can a whole establishment be disciplined after it is once commenced. Far from reducing, it is clear that the Government will go on increasing the offices--increasing the forts.<sup>202</sup>

MR. PRES. EX. COUN. MACNAB.--My name is to that Report, and I cannot allow it to be misrepresented. There is not a single word in that Report about a line of forts, and it should not go to the country that such is the case.<sup>203</sup>

MR. BROWN.--There will be enough sent to the country before long--rest assured of that. The Report itself is now on its way to the country, and it is impossible to misrepresent it. I have thus endeavoured to place the matter

before the House in the light in which I have been led to view it. I consider that, if the British Government have resolved to discontinue their defence of the Province, and to throw the responsibility upon us, we must meet that new position of affairs; and both sides of the House, I believe, will be prepared to meet it. But I contend that we have no proof of this whatever, and that even if we were in that position, there is no great haste needful in the case, as to require it to be done in a day or a week or a month, or that there is any reason why full time should not be given to the people, to discuss and consider the entire subject. (Hear, hear.) Again, Sir, I contend that if this militia movement is merely called for by the exigency of the moment, by the British troops being withdrawn for a time, then let a measure be brought in specially to meet that case, and we will all be prepared to vote for it. (Hear, hear.) But, if this is not the case, and if the Home Government do not intend to impose upon us the defence of the Province,--if we are not required to defend the country for either a long or a short time, but merely to organize the militia,--then I say, put this and the police measure together, and out of the two construct some modified scheme which will not involve the country in the enormous expenditure into which the Government propose to launch us. (Hear, hear.) Hon. gentlemen opposite have assailed us for opposing this bill, for demanding even time for consideration, but when our proceedings go to the country, I am satisfied that we will be regarded as having done our duty to our constituents, and that the position we have taken up will be held to be patriotic and discreet. (Applause.)<sup>204</sup>

MR. POST. GEN. SPENCE.--Did expect in discussing a measure of this importance, something in the shape of argument. A more extraordinary debate or more extraordinary motion had never been heard of in connection with legislation. A more extraordinary motion had never been placed in the hands of the Speaker<sup>205</sup>. [He] expressed his disappointment that the member for Lambton had adduced no better reasons for the course taken by the Opposition in moving a six months' hoist to the bill.<sup>206</sup> With what degree of patriotism can members flatter themselves who proceed in such a manner with a matter of such importance? A country such as this now is, the envy of the globe, with her credit good, trade extending, and a frontier of upwards of 1500 miles to defend, and yet honorable members could not see that a measure such as this was necessary. The honorable member for Lambton expressed his regret that so much feeling had been exhibited in it, which was not a party matter.<sup>207</sup> He attributed the introduction of that feeling to the Government and their supporters. But what were the facts? Had not strong appeals been made to the passions of gentlemen supporting the Government, and an attempt made to awaken old recollections and feelings on their part? Did not the hon. member for Montreal commence his speech by saying that the tie that bound us to Great Britain was more poetic than otherwise?<sup>208</sup> and the honorable member for Lambton regretted that our connection with England was in the slightest degree weakened.<sup>209</sup>

MR. HOLTON.--No!<sup>210</sup>

MR. POST. GEN. SPENCE.--It was the hon. member for Sherbrooke then.<sup>211</sup>

MR. GALT.--I never used any such words. (Hear, hear.)<sup>212</sup>

MR. POST. GEN. SPENCE.--I took down the words at the time. He spoke of "the poetical idea of British connection."<sup>213</sup>

MR. GALT explained that the hon. gentleman had entirely mistaken him. What he had said referred solely to the argument of the member for Toronto



(Mr. Cameron), who, he said, had invested the subject of British connection with a poetical colouring which had obscured the real merits of the question at issue. (Hear, hear.)<sup>214</sup>

[MR. POST. GEN. SPENCE] must in justice to his own memory say that the words quoted were used by the hon. member in that sense. Another hon. member said that the Bill was the quintessence of toryism. But he would ask who ever heard of a Country jealous of a Militia Force? Did they think that any man claiming Canada as a country could be opposed to the organization of a force for its defence. The whole question comes to this. Do honorable gentlemen at the other side say that we should not have [a] Militia ... Force? They said that the Militia Force as it stood at present was a farce, and when a measure was introduced did they receive it in the spirit of loyalty in which they ought? The honorable member for Lambton takes up a report and applies matters not pertinent to the case as valid arguments against it. The hon. member for London stated that he opposed the bill because he hesitated to put arms into the hands of Irishmen<sup>215</sup> fearing collisions between Irish Protestants and Roman Catholics<sup>216</sup>. He was glad that he was not called upon to defend the character of Irishmen, for Scotchmen, Englishmen and Canadians nobly did so. But there never was a time that England did not find it to her advantage to do so. It was a slander upon Irishmen, and although the hon. member for London may treat it as a light affair--he had a number of Irish constituents, and they would not take it so lightly.<sup>217</sup> Here 300,000 Irishmen enjoyed happy homes, and should it be said that they could not be safely trusted with the defence of their own Province, where their properties, lives, and liberties were all at stake.--<sup>218</sup> He alluded in terms of high eulogium to the deeds of the Irish troops at Waterloo, commanded by an Irishman, the Duke of Wellington, and on other well-fought fields, and to the fact that towards the close of the last century, by her 100,000 volunteers, Ireland held herself in allegiance to the British Crown<sup>219</sup> when a dreadful war was waged between France and England. He hoped that in future Canadian members of Parliament would never insult Irishmen in that House again. But to the measure before the House, hon. gentlemen who alluded to the precedents of the United States--they were inconsistent in not following. They had a militia force and we only wanted the same--as to the argument<sup>220</sup> of the hon. member for Brant (Mr. Christie),<sup>221</sup> that it was hostile towards the American Union--the same would apply at the other side<sup>222</sup>.

MR. CHRISTIE.--I never said any such thing.<sup>223</sup>

MR. POST. GEN. SPENCE withdrew that assertion, and next expressed his regret that the honorable member for Brant should have alluded to the events of 1837, in order to induce the French Canadians to be suspicious of the establishment of a militia force.<sup>224</sup>

MR. CHRISTIE.--I made no allusion whatever to the events of 1837. (Hear, hear.)<sup>225</sup>

MR. POST. GEN. SPENCE then replied to the appeal which had been made to the Government for delay to give the people time to consider the measure and to express an opinion on it. He did not think there was any substantial reason why they should wait to take the sense of the people on this question.<sup>226</sup> All Upper Canada approved of this Bill, and he believed it was the duty of the Representatives of that House to render Government their assistance to make it a good and a perfect bill. The Government had done its duty, and he was satisfied to take



his share of it, and hoped the measure would receive the approbation of the House by a large vote.<sup>227</sup>

MR. MURNEY stated the reluctance with which he felt compelled to vote with the Government on this bill, although he considered it pointed to a policy which he deeply regretted.<sup>228</sup> As a Canadian, born and bred, [he] felt it necessary to say something. God bless you, Mr. Speaker, we are a people still. He looked upon this measure as one which would deprive the country of the sustenance and flag of England; yet he would support the bill.<sup>229</sup> He thought the Postmaster General had shown very bad taste in his personal attack on the member for London (Mr. Wilson). He could not understand why the Irish question should have been brought forward at all. They were all Canadians here. (Hear, hear.)<sup>230</sup>

MR. WILSON rose to make an explanation in reply to the attack made on him by the Postmaster General, but was prevented by the outcries and rappings of desks of the supporters of the Government.<sup>231</sup>

MR. HINCKS.--If the hon. gentleman speaks again, I will speak too.<sup>232</sup>

MR. WILSON.--I did not think that this house would have prevented me from making an explanation.<sup>233</sup>

MR. HINCKS.--Spoke! Spoke!<sup>234</sup>

MR. CHRISTIE moved that the honorable gentleman be heard.<sup>235</sup>

No! no! from the ministerial benches.<sup>236</sup>

DR. FRAZER pointed out several omissions in the bill, among others, that parties labouring under disease and infirmities might be compelled to serve in the militia, and that no provision was made for the exemption, on the ground of conscientious scruples of Quakers, Nonconformists, and Tunkers.<sup>237</sup>

MR. PRES. EX. COUN. MACNAB.--Thanked the member for the hint. It would be attended to in Committee.<sup>238</sup>

DR. FRAZER.--I will, nevertheless, vote against the Bill.<sup>239</sup>

MR. LARWILL considered the Bill desirable, and would vote for its going into committee, though he would not promise to vote for it when it came out of committee.<sup>240</sup>

Mr. Holton's amendment ... was then negatived<sup>241</sup>.

(726)

*And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Aikins, Bourassa, Brown, Bureau, Christie, Darche, Jean B.E. Dorion, Antoine A. Dorion, Foley, Frazer, Galt, Hartman, Holton, Jobin, Laberge, John S. Macdonald, Roderick McDonald, Marchildon, Mattice, Papin, Prévost, Rolph, Scatcherd, Valois, and Wilson.--(25.)*

NAYS.

*Messieurs Alleyn, Bellingham, Biggar, Blanchet, Brodeur, Burton, Cameron, Cartier, Casault, Cauchon, Cayley, Chapais, Chauveau, Chisholm, Clarke, Cook, Crawford, Crysler, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Egan, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Hincks, Labelle, Laporte, Larwill, LeBoutillier,*

Lemieux, Loranger, Lumsden, Igon, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Masson, Matheson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Murney, Niles, O'Farrell, Patrick, Polette, Poulin, Pouliot, Powell, Rankin, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Somerville, Southwick, Spence, Taché, Terrill, Thibaudeau, Turcotte, and Yeilding.--(75.)

So it passed in the Negative.<sup>242</sup>

And the Question being again proposed, That the Bill be now read a second time;

Mr. Brown moved in amendment to the Question, seconded by Mr. Antoine Aimé Dorion, That the word "now" be left out, and the words "this day four weeks, in order that any Despatch or Despatches from the Imperial Government in regard to

(727)

the defence of this Province may be laid before the Parliament and the Country" added at the end thereof;

MR. BROWN ... hoped the Government would accept of this proposition, from a feeling of respect for the house, and also to allow the people of the Province time to express their views on this most important measure. He had sent off copies of the bill to his county (Lambton) the moment he got them, but he did not believe they could have reached his constituents yet. (Hear, hear.)<sup>243</sup>

MR. PRES. EX. COUN. MACNAB said the honorable gentleman asks an excuse for his vote tonight.--He could only say that his statement was not to be relied upon. He had voted himself for £10,000 toward the support of the militia, and all that was asked for now was £14,000! He said that we were about to build a line of forts, whilst there was not a word about a line of forts in the whole report.<sup>244</sup>

MR. WILSON took advantage of the new motion submitted, to explain the sense in which he had spoken of the danger of placing arms in the hands of portions of the Irish population, hostile to each other from religious feelings. He was quite sure that the Irish among his constituents, would not think with the Postmaster General that he had insulted them, but would be ready to say to him when he went back--"Faix, an' you were right, in thinking there would likely be a bit of a row." (Laughter.)<sup>245</sup> Irishmen, he said, did, as every one knew, allow their feelings to overpower their judgment--they did not act with that deliberation which would always make them safe depositaries of the arms of war.<sup>246</sup> He thought that no one would feel insulted at the honest expression of opinion.<sup>247</sup>

The hon. gentleman was repeatedly interrupted and at last sat down.<sup>248</sup>

(727)

And the Question being put on the Amendment; the House divided; and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Biggar, Bourassa, Brown, Christie, Darche, Jean B.E. Dorion, Antoine A. Dorion, Foley, Frazer, Galt, Holton, Jobin, Laberge, John S. Macdonald, Marchildon, Mattice, Papin, Prévost, Rolph, Valois, and Wilson.--(22.)

NAYS.

Messieurs Alleyn, Bellingham, Blanchet, Brodeur, Burton, Cartier, Casault, Cauchon, Cayley, Chapais, Chisholm, Clarke, Crawford, Crysler, Daly, Jean B.

Daoust, Desaulniers, Dostaler, Attorney General Drummond, Egan, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Hincks, Labelle, Laporte, LeBoutillier, Lemieux, Loranger, Lumsden, Lyon, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Masson, Matheson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Murney, Niles, O'Farrell, Patrick, Poulin, Pouliot, Powell, Rankin, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Somerville, Southwick, Spence, Taché, Terrill, Thibaudeau, Turcotte, and Yeilding.--(67.)

So it passed in the Negative.

Then the main Question being put, That the Bill be now read a second time; the House divided: and the names being called for, they were taken down, as follow:--

#### YEAS.

Messieurs Alleyn, Bellingham, Blanchet, Brodeur, Burton, Cartier, Casault, Cauchon, Cayley, Chapais, Chisholm, Clarke, Crawford, Crysler, Daly, Jean B. Daoust, Desaulniers, Dostaler, Attorney General Drummond, Egan, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Hincks, Labelle, Laporte, LeBoutillier, Lemieux, Loranger, Lumsden, Lyon, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Masson, Matheson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Murney, Niles, O'Farrell, Patrick, Poulin, Pouliot, Powell, Rankin, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Somerville, Southwick, Spence, Taché, Terrill, Thibaudeau, Turcotte, and Yeilding.--(67.)

(727-728)

#### NAYS.

Messieurs Aikins, Biggar, Bourassa, Brown, Christie, Darche, Jean B.E. Dorion, Antoine A. Dorion, Foley, Frazer, Galt, Holton, Jobin, Laberge, John S. Macdonald, Marchildon, Mattice, Papin, Prévost, Rolph, Valois, and Wilson.--(22.)

So it was resolved in the Affirmative.

MR. PRES. EX. COUN. MACNAB moved that the bill be referred to a Committee for Friday next.<sup>249</sup>

(728)

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Friday next.

Then, on motion of the Honorable Sir Allan N. MacNab, seconded by Mr. Solicitor General Smith,

The House adjourned.<sup>250</sup>

APPENDIX: 21 MARCH 1855.

[NOTICE OF MOTION: TO CONSIDER RESOLUTIONS FOR SEIGNIÖRIAL TENURE BILL.]

DR. MASSON [donne avis que] lundi prochain [il fera motion] que la chambre se forme en comité général pour prendre en considération les résolutions suivantes:

1. Qu'il est urgent d'amender l'acte seigneurial de 1854, pour le rendre plus acceptable au peuple.

2. Que les seigneurs soient obligés de faire à leur dépens au gouvernement de cette province, dans un certain temps, un aveu et dénombrement exact de leurs seigneuries depuis dix ans, attesté sous serment, et sous une pénalité élevée.

3. Qu'une cour de commissaires soit établie dans chaque district du Bas-Canada, pour reviser ces aveux et dénombremens, lesquels ainsi révisés tiendraient lieu des cadastres mentionnés au dit bill.

4. Qu'au lieu et place des clauses qui ordonnent que les droits des seigneurs et des censitaires soient déterminés par la cour de justice du Bas-Canada, et pourvoient à un droit d'appel, la législature détermine elle-même ces droits d'une manière définitive et sans appel, comme étant le tribunal le plus compétent pour cette fin.

5. Que la 29e clause du dit bill soit expliquée, afin de ne laisser aucun doute quant au droit par le censitaire de faire le rachat de sa rente constituée, à sa volonté, en obligeant le seigneur de recevoir le capital de chaque censitaire lorsqu'il sera offert, en aucun temps de l'année.

6. Qu'en obligeant le censitaire à commuer, on le force à payer au seigneur une indemnité sur des droits dont il ne pourrait jamais tirer aucun bénéfice, tel que le droit de pêche, de chasse, de grève, de corvées, de se faire planter un mai, de prendre de la pierre et du bois sur les terres concédées pour leur besoin.

7. Qu'il n'est pas juste d'obliger le censitaire seul à payer une indemnité au seigneur pour les droits qui doivent tourner au profit de tous les habitants de cette province en général, que par conséquent l'allocation accordée par le gouvernement devrait couvrir le paiement de tous les droits cassuels (sic) et honorifiques des seigneurs, ne laissant au censitaire qu'à faire le rachat des cens et rentes seulement.<sup>251</sup>

[NOTICE OF MOTION RE: INTOXICATING LIQUORS.]

MR. J. DORION (Drummond et Arthabask[a]) [donne avis que] lundi prochain [il fera motion] que l'ordre soit donné de faire cesser la vente des liqueurs spiritueuses dans les bâties du parlement.<sup>252</sup>

[QUESTION AND ANSWER RE: ELECTION LAWS.]

MR. PAPIN demande au ministère si c'est son intention d'amender les lois d'élection.<sup>253</sup>

MR. AT. GEN. DRUMMOND ... répond: pas dans cette session.<sup>254</sup>

[QUESTION AND ANSWER RE: JUDICATURE ACT OF LOWER CANADA.]

MR. PAPIN demande au ministère si c'est son intention de présenter durant cette session une mesure générale sur la judicature du Bas-Canada.<sup>255</sup>



MR. AT. GEN. DRUMMOND répond que le gouvernement s'en occupe, mais qu'il ne présentera aucune mesure sur ce sujet durant la présente session.<sup>256</sup>

[WITHDRAWN MOTION FOR AN ADDRESS FOR STATISTICS RE: THE JUDICATURE.]

MR. BUREAU proposa une adresse à Son Excellence demandant les renseignements suivants:

1. Quelles sommes d'argent ont été payées pour l'année 1853 à chacun des employés du greffier de la paix, et au bureau du greffier de la couronne à Montréal, soit comme salaire ordinaire, soit comme allocation supplémentaire pendant ou hors des sessions de la cour criminelle.

2. Quelles sommes de deniers ont été payées pour papeterie et autres fournitures au greffier de la paix de Montréal et au greffier de la couronne pendant la même année?

3. Le nom de tous les témoins assignés par le greffier de la paix de Montréal, et par le greffier de la couronne pendant la même année, avec le droit des subpaenas (*sic*) et de leur sig[n]ification, avec le nom de la résidence des huissiers ou connétables qui ont fait ces significations.

4. Indiquer le nom des hommes de police qui ont été entendus comme témoins, quel montant de taxe a été payé par le gouvernement à tous et chacun des témoins entendus à Montréal durant la même année.

5. Quelles sommes de deniers (et pour quelle cause) ont été payées au grand connétable de Montréal, durant la même année.

6. Combien de personnes ont été arrêtées à Montréal durant la même année, sous l'accusation de tenir des maisons de débauches, et combien sur le nombre, ont subi leurs procès et ont été convaincues. Combien de fois ont-elles renouvelé leur cautionnement pendant qu'elles étaient sous accusation et combien a été payé par chacune des personnes arrêtées sous cette charge, depuis leur arrestation jusqu'à leur libération pour quelque cause que ce soit.

7. Fournir la liste de toutes les causes instituées au bureau du greffier de la paix de Montréal, durant la même année, avec le montant des honoraires d'office et des condamnations reçues dans chaque année.<sup>257</sup>

MR. AT. GEN. DRUMMOND demande quel intérêt peut avoir l'hon. membre à obtenir les renseignements qu'il demande. Un rapport comme celui-là coûtera des sommes considérables à la province; mais si l'hon. membre veut expliquer son but, on lui accordera peut-être ce qu'il demande.<sup>258</sup>

MR. BUREAU dit que le rapport qu'il désire obtenir ne coûtera rien à la province, parce que les greffiers et autres officiers de la couronne les fourniront sans qu'il soit nécessaire de les payer pour ce travail.

Son but est de savoir quelles sommes d'argent ont été payé[e]s au greffier de la paix à Montréal, depuis 1853, et si réellement ces sommes devaient lui être payées; car il a appris que ce greffier envoyait des subpaenas (*sic*) à des huissiers de la campagne, qui les servent dans leurs localités, et le greffier se fait payer les frais de voyage d'un huissier comme s'il était réellement parti de Montréal. Il propose cette adresse pour s'assurer du fait, afin que l'autorité mette un terme à cet abus, s'il existe. M. Bureau continue à donner les motifs pour justifier toute les informations de son adresse.<sup>259</sup>

MR. FOURNIER se prononce en faveur de l'adresse, et dit que la même chose se pratique dans le bureau du Shériff de Québec. Lorsqu'il s'agit de faire venir des jurés à Québec, le shériff émane des subpoenas pour faire venir des personnes résidant à l'extrémité du district, malgré qu'il pourrait les choisir

plus près; puis il envoie des subpaenas (sic) à un huissier de la localité qui les sert, et le shériff se fait payer des frais de voyage comme si l'huissier était parti de Québec. Il y a longtemps qu'il s'est plaint de cet abus, mais l'administration Lafontaine, et l'administration Hincks-Morin lui ont toujours dit: "nous verrons; mais rien n'a été fait pour y remédier. Il demande donc que l'adresse s'étende au bureau de shériff de Québec."<sup>260</sup>

MR. AT. GEN. DRUMMOND admet que cet abus se pratiquent (sic) en effet dans le bureau du greffier de Montréal et qu'il serait bon d'y mettre ordre. Il y a aussi un autre abus qui s'est glissé dans les cours de justice: c'est celui de faire payer les témoins d'un défendeur par la couronne, et il arrive souvent que le défendeur appelle des témoins qui ne savent rien dans sa cause, dans le seul but de les faire payer. Le seul moyen de remédier à cela serait la décentralisation judiciaire. Il consent volontiers à accorder l'adresse depuis que l'hon. membre a exposé ses motifs, et il pense même qu'il serait bon de l'étendre plus loin.<sup>261</sup>

MR. PAPIN dit que les hommes de police sont souvent appelés comme témoins devant les cours de magistrats, et qu'ils sont toujours taxés comme tels, mais qu'ils ne reçoivent pas les honoraires, puisqu'ils sont payés comme agents de police. Il est important de savoir qui reçoit cet argent, car la couronne le paie.<sup>262</sup>

MR. CHABOT demande que cette adresse s'étende à toute la province, afin d'obtenir toutes les informations possibles qui pourront servir comme documents pour une mesure de décentralisation judiciaire.<sup>263</sup>

MR. AT. GEN. DRUMMOND demande à l'hon. membre pour Napierville de remettre à huit jours sa motion, et dans l'intervalle, il pourra s'entendre avec lui pour en rédiger une qui sera plus complète.<sup>264</sup>

MR. BUREAU consent à remettre sa motion à huit jours.<sup>265</sup>

MR. PAPIN signale un autre abus auquel il serait bon de remédier. C'est celui d'assigner des personnes comme témoins, dans des causes où elles ne connaissent absolument rien, dans le but seulement de les éliminer. Cela se pratique dans les élections, et on l'a fait encore dans la dernière élection du district de Montréal;--on voulait éloigner plusieurs personnes défavorables à l'un des candidats, et ces personnes ont reçu juste à temps des subpaenas pour comparaître comme témoins à Montréal dans des causes où elles ne connaissaient absolument rien. (Rires.)<sup>266</sup>

Une Voix.--C'était une erreur de nom. (Rires.)<sup>267</sup>

[POSTPONED MOTION FOR RESOLUTIONS RE: PAYMENT TO JURORS.]

L'ordre du jour pour la considération de certaines résolutions relatives aux frais de l'administration de la justice et à l'indemnité des jurés, étant appelé<sup>268</sup>,

MR. TURCOTTE dit qu'en conséquence de la déclaration faite hier soir par l'hon. procureur-général [M. Drummond], il remettra ses résolutions à quinze jours.<sup>269</sup>

FOOTNOTES: 21 MARCH 1855.

1. GLOBE, 28 March 1855.
2. Telegraph (HAMILTON SPECTATOR, 24 March 1855).
3. GLOBE, 28 March 1855.
4. LE PAYS, 27 March 1855.
5. HAMILTON SPECTATOR, 28 March 1855.
6. GLOBE, 28 March 1855.
7. HAMILTON SPECTATOR, 28 March 1855.
8. LE PAYS, 27 March 1855.
9. HAMILTON SPECTATOR, 28 March 1855.
10. Scrapbook Hansard (21 March 1855).
11. HAMILTON SPECTATOR, 28 March 1855.
12. MONTREAL GAZETTE, 26 March 1855.
13. MORNING CHRONICLE, 24 March 1855.
14. Scrapbook Hansard (21 March 1855).
15. HAMILTON SPECTATOR, 28 March 1855.
16. Scrapbook Hansard (21 March 1855).
17. HAMILTON SPECTATOR, 28 March 1855.
18. Scrapbook Hansard (21 March 1855).
19. HAMILTON SPECTATOR, 28 March 1855.
20. Scrapbook Hansard (21 March 1855).
21. HAMILTON SPECTATOR, 28 March 1855.
22. Scrapbook Hansard (21 March 1855).
23. HAMILTON SPECTATOR, 28 March 1855.
24. Scrapbook Hansard (21 March 1855).
25. HAMILTON SPECTATOR, 28 March 1855.
26. IBID.
27. MORNING CHRONICLE, 24 March 1855.
28. HAMILTON SPECTATOR, 28 March 1855.
29. IBID.
30. IBID.
31. Scrapbook Hansard (21 March 1855).
32. HAMILTON SPECTATOR, 28 March 1855.
33. GLOBE, 28 March 1855.
34. Scrapbook Hansard (21 March 1855).
35. GLOBE, 28 March 1855.
36. HAMILTON SPECTATOR, 28 March 1855.
37. GLOBE, 28 March 1855.
38. Scrapbook Hansard (21 March 1855).
39. GLOBE, 28 March 1855.
40. HAMILTON SPECTATOR, 28 March 1855.
41. Scrapbook Hansard (21 March 1855).
42. HAMILTON SPECTATOR, 28 March 1855.
43. IBID.
44. IBID.
45. GLOBE, 28 March 1855.
46. Scrapbook Hansard (21 March 1855).
47. MONTREAL GAZETTE, 26 March 1855.
48. Scrapbook Hansard (21 March 1855).
49. IBID.
50. GLOBE, 28 March 1855.

51. HAMILTON SPECTATOR, 28 March 1855.
52. Scrapbook Hansard (21 March 1855).
53. HAMILTON SPECTATOR, 28 March 1855.
54. Scrapbook Hansard (21 March 1855).
55. GLOBE, 28 March 1855.
56. MONTREAL GAZETTE, 26 March 1855.
57. IBID.
58. IBID.
59. IBID.
60. HAMILTON SPECTATOR, 28 March 1855.
61. LE PAYS, 27 March 1855.
62. IBID.
63. HAMILTON SPECTATOR, 28 March 1855.
64. IBID.
65. Scrapbook Hansard (21 March 1855).
66. HAMILTON SPECTATOR, 28 March 1855.
67. Scrapbook Hansard (21 March 1855).
68. HAMILTON SPECTATOR, 28 March 1855.
69. IBID.
70. IBID.
71. IBID.
72. IBID.
73. MORNING CHRONICLE, 24 March 1855.
74. Scrapbook Hansard (21 March 1855).
75. HAMILTON SPECTATOR, 28 March 1855.
76. Scrapbook Hansard (21 March 1855).
77. HAMILTON SPECTATOR, 28 March 1855.
78. Scrapbook Hansard (21 March 1855).
79. HAMILTON SPECTATOR, 28 March 1855.
80. Scrapbook Hansard (21 March 1855).
81. IBID.
82. GLOBE, 28 March 1855.
83. IBID.
84. IBID.
85. HAMILTON SPECTATOR, 28 March 1855.
86. GLOBE, 28 March 1855.
87. IBID.
88. HAMILTON SPECTATOR, 28 March 1855.
89. GLOBE, 28 March 1855.
90. Scrapbook Hansard (21 March 1855).
91. HAMILTON SPECTATOR, 28 March 1855.
92. GLOBE, 28 March 1855.
93. HAMILTON SPECTATOR, 28 March 1855.
94. GLOBE, 28 March 1855.
95. HAMILTON SPECTATOR, 28 March 1855.
96. GLOBE, 28 March 1855.
97. IBID.
98. IBID.
99. IBID.
100. HAMILTON SPECTATOR, 28 March 1855.
101. Scrapbook Hansard (21 March 1855).
102. GLOBE, 28 March 1855.



103. HAMILTON SPECTATOR, 28 March 1855.
104. Scrapbook Hansard (21 March 1855).
105. HAMILTON SPECTATOR, 28 March 1855.
106. Scrapbook Hansard (21 March 1855).
107. GLOBE, 28 March 1855.
108. IBID.
109. IBID.
110. HAMILTON SPECTATOR, 28 March 1855.
111. GLOBE, 28 March 1855.
112. IBID.
113. IBID.
114. HAMILTON SPECTATOR, 28 March 1855.
115. GLOBE, 28 March 1855.
116. HAMILTON SPECTATOR, 28 March 1855.
117. GLOBE, 28 March 1855.
118. IBID.
119. Scrapbook Hansard (21 March 1855).
120. HAMILTON SPECTATOR, 28 March 1855.
121. GLOBE, 28 March 1855.
122. IBID.
123. IBID.
124. IBID.
125. Scrapbook Hansard (21 March 1855).
126. GLOBE, 28 March 1855.
127. LE PAYS, 27 March 1855.
128. GLOBE, 28 March 1855.
129. HAMILTON SPECTATOR, 28 March 1855.
130. LE PAYS, 27 March 1855.
131. GLOBE, 28 March 1855.
132. LE PAYS, 27 March 1855.
133. Scrapbook Hansard (21 March 1855).
134. LE PAYS, 27 March 1855.
135. Scrapbook Hansard (21 March 1855).
136. IBID.
137. LE PAYS, 27 March 1855.
138. GLOBE, 28 March 1855.
139. HAMILTON SPECTATOR, 28 March 1855.
140. IBID.
141. Scrapbook Hansard (21 March 1855).
142. HAMILTON SPECTATOR, 28 March 1855.
143. Scrapbook Hansard (21 March 1855).
144. HAMILTON SPECTATOR, 28 March 1855.
145. Scrapbook Hansard (21 March 1855).
146. HAMILTON SPECTATOR, 28 March 1855.
147. LE PAYS, 27 March 1855.
148. IBID.
149. Scrapbook Hansard (21 March 1855).
150. GLOBE, 28 March 1855.
151. Scrapbook Hansard (21 March 1855).
152. LE PAYS, 27 March 1855.
153. IBID.
154. IBID.

155. IBID.
156. Scrapbook Hansard (21 March 1855).
157. LE PAYS, 27 March 1855.
158. IBID.
159. Scrapbook Hansard (21 March 1855).
160. LE PAYS, 27 March 1855.
161. Scrapbook Hansard (21 March 1855).
162. LE PAYS, 27 March 1855.
163. Scrapbook Hansard (21 March 1855).
164. LE PAYS, 27 March 1855.
165. Scrapbook Hansard (21 March 1855).
166. IBID.
167. IBID.
168. LE PAYS, 27 March 1855.
169. Scrapbook Hansard (21 March 1855).
170. LE PAYS, 27 March 1855.
171. Scrapbook Hansard (21 March 1855).
172. HAMILTON SPECTATOR, 28 March 1855.
173. Scrapbook Hansard (21 March 1855).
174. LE PAYS, 27 March 1855.
175. Scrapbook Hansard (21 March 1855).
176. LE PAYS, 27 March 1855.
177. IBID.
178. IBID.
179. Scrapbook Hansard (21 March 1855).
180. LE PAYS, 27 March 1855.
181. Scrapbook Hansard (21 March 1855).
182. HAMILTON SPECTATOR, 28 March 1855.
183. Scrapbook Hansard (21 March 1855).
184. GLOBE, 30 March 1855.
185. IBID.
186. IBID.
187. IBID.
188. IBID.
189. IBID.
190. IBID.
191. IBID.
192. IBID.
193. IBID.
194. IBID.
195. IBID.
196. IBID.
197. IBID.
198. IBID.
199. IBID.
200. IBID.
201. IBID.
202. IBID.
203. IBID.
204. IBID.
205. HAMILTON SPECTATOR, 28 March 1855.
206. GLOBE, 30 March 1855.

207. HAMILTON SPECTATOR, 28 March 1855.
208. GLOBE, 30 March 1855.
209. HAMILTON SPECTATOR, 28 March 1855.
210. GLOBE, 30 March 1855.
211. IBID.
212. IBID.
213. IBID.
214. IBID.
215. HAMILTON SPECTATOR, 28 March 1855.
216. GLOBE, 30 March 1855.
217. HAMILTON SPECTATOR, 28 March 1855.
218. Scrapbook Hansard (21 March 1855).
219. GLOBE, 30 March 1855.
220. HAMILTON SPECTATOR, 28 March 1855.
221. GLOBE, 30 March 1855.
222. HAMILTON SPECTATOR, 28 March 1855.
223. GLOBE, 30 March 1855.
224. IBID.
225. IBID.
226. IBID.
227. HAMILTON SPECTATOR, 28 March 1855.
228. GLOBE, 30 March 1855.
229. HAMILTON SPECTATOR, 28 March 1855.
230. GLOBE, 30 March 1855.
231. IBID.
232. IBID.
233. IBID.
234. IBID.
235. IBID.
236. IBID.
237. IBID.
238. HAMILTON SPECTATOR, 28 March 1855.
239. IBID.
240. IBID.
241. GLOBE, 30 March 1855.
242. TORONTO DAILY LEADER, 27 March 1855, notes in its commentary that the debate on the Militia Bill was "re-opened at 5 o'clock" in the afternoon and this vote was taken at "half-past twelve o'clock". This newspaper, and MORNING CHRONICLE, 24 March 1855, differ from the JOURNALS and report the vote was Yeas, 74; Nays 25. Scrapbook Hansard (21 March 1855), reports it as "Yeas, 25; Nays, 72." HAMILTON SPECTATOR, 28 March 1855, reports that 23 were for the motion and 74 were against it.
243. GLOBE, 30 March 1855.
244. HAMILTON SPECTATOR, 28 March 1855.
245. GLOBE, 30 March 1855. HAMILTON SPECTATOR, 28 March 1855, adds in its news report that as Mr. Wilson spoke, "The appeals to order were frequent." TORONTO DAILY LEADER, 27 March 1855, comments that "A scene of indiscribable confusion follows. Half a dozen members rise at once. Shouts of order from all parts of the House arise in one continuous volume for a quarter of an hour. Mr. Wilson rises and sits down, with deprecating gestures."
246. TORONTO DAILY LEADER, 30 March 1855.

247. HAMILTON SPECTATOR, 28 March 1855.  
248. MORNING CHRONICLE, 24 March 1855.  
249. HAMILTON SPECTATOR, 28 March 1855.  
250. GLOBE, 30 March 1855, reports: "the house adjourned at about one o'clock a.m."  
251. LE PAYS, 27 March 1855.  
252. IBID.  
253. IBID.  
254. IBID.  
255. IBID.  
256. IBID.  
257. IBID.  
258. IBID.  
259. IBID.  
260. IBID.  
261. IBID.  
262. IBID.  
263. IBID.  
264. IBID.  
265. IBID.  
266. IBID.  
267. IBID.  
268. IBID.  
269. LE PAYS, 27 March 1855. According to this newspaper, Mr. Turcotte agreed to postpone his resolutions due to a declaration made by Mr. Drummond on 20 March 1855 (footnote 68). The comments, from GLOBE, 28 March 1855, are reprinted below for the readers' consideration:  
"Mr. Brown asked whether the payment of Jurors would be made out of the Consolidated Revenue or out of Municipal Funds.  
"Mr. Drummond said he intended to withdraw the clause that made it imperative on Municipalities to provide for the payment of Jurors. The Government would make some other provision but in such a way as would be no burden to the people of Upper Canada."



THURSDAY, 22 MARCH 1855.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Clarke,--The Petition of Mrs. Clara P. Powell, of the City of Hamilton.

By Mr. Terrill,--The Petition of John Fleming, of the County of Stanstead; the Petition of W.P. Cook and others, Trustees of the Charleston Academy; and the Petition of Levi Bigelow and others, Trustees of the Georgeville High School.

By Mr. Thomas Fortier,--The Petition of the Reverend L.H. Dostie and others, of the Parish of St. Edouard de Gentilly, County of Nicolet; and the Petition of the Reverend J.O. Prince, Curé, and others, of the Township of Arthabaska.

By Mr. Bureau,--The Petition of the Reverend F. Morrison and others, of the Parish of St. Cyprien.

By Mr. Chapais,--The Petition of Thomas Bégin, of Rivière Ouelle, School Teacher; and the Petition of F. DeGuise and others, of the Parish of Ste. Anne de la Pocatière, in the County of Kamouraska.

By Mr. Turcotte,--The Petition of the Reverend Charles L. Garceau and others, of the Parish of St. Antoine de la Rivière du Loup, County of St. Maurice.

By Mr. Bellingham,--The Petition of W. Abbott and others, Directors of the Mutual Fire Insurance Company of the County of Two Mountains.

By Mr. Papin,--The Petition of Joseph Fafard, Esquire, J.P., and others, of the Parish of L'Islet, in the County of L'Islet.

By Mr. Jean Baptiste Eric Dorion,--The Petition of W.R. Dunkerley and others, of the Township of Durham, in the County of Drummond.<sup>1</sup>

By the Honorable Mr. Merritt,--The Petition of the Municipality of the Township of Caistor, in the County of Lincoln.

By Mr. Galt,--The Petition of C.C. Libbey and others, of the Township of Ascot; the Petition of J.G. Robertson, Mayor, and others, of the Town of Sherbrooke; the Petition of Christopher Wurtele and others, of the Township of Windsor, County of Sherbrooke, District of St. Francis; and the Petition of L.W. Decker and others, of the Townships of Roxton and Ely, in the County of Sheffield.

By Mr. Biggar,--The Petition of the Town Council of the Town of Brantford.

By the Honorable Mr. Lemieux,--The Petition of Ignace Couture and others, of the Parish of Notre Dame de la Victoire, in the County of Levis.

By Mr. Alleyne,--The Petition of the Mayor, Aldermen, and Commonalty of the

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City of Quebec; and the Petition of Mrs. F.X. Roy and others, Directresses of the Asylum of the Good Shepherd at Quebec.

By Mr. DeWitt,--The Petition of Henry Bennie and others, of the Seigniorship of Beauharnois.

By Mr. Charles Daoust,--The Petition of the Reverend J.J. Archambault and others, of the Parish of St. Timothée, County of Beauharnois.

By Mr. Lyon,--The Petition of the Municipality of the Township of Nepean.

By the Honorable Mr. Cauchon,--The Petition of Joseph Bouchette, Esquire.

Pursuant to the Order of the day, the following Petitions were read:--

Of Michael Haller and others, of the Village of Preston, in the County of Waterloo; praying that Jacob Hespeler may be authorized to construct a Dam or Breakwater on the Grand River, at or near the said Village of Preston.

Of the Municipal Council of the County of Middlesex; praying for certain amendments to the Municipal Corporation Acts of Upper Canada.

Of Paul Besserer and others, of the Parish of St. Clet, County of Soulanges, Censitaires; praying for certain amendments to the Seigniorial Tenure Act.

Of the Reverend T. Brassard, Curé, and others, of the Parish of St. Ignace du Coteau du Lac, County of Soulanges; praying for additional aid to repair the College of Coteau du Lac, in the said Parish.

Of the Municipal Council of the County of Sherbrooke; praying for repayment of certain expenses caused to the said Municipality by irregular proceedings of the Crown Lands Agent for the said County.

Of William Smith and others, of the Township of Brompton; of the Reverend John Campbell and others, of the Township of Nottawasaga, in the County of Simcoe; of James Powles and others, Chiefs and Warriors of the Six Nations Indians; of Joseph Hilborn, Post Master, and others, of the Township of ... Bosanquet and vicinity; of J.M. Eastman and others, of the Township of Williams and vicinity; of Mrs. Elizabeth Cavanagh and others, mothers and daughters, of the Township of Williams and vicinity; and of Mrs. Sarah Hilborn and others, mothers and daughters, of the Township of Bosanquet and vicinity; praying for the passing of a Prohibitory Liquor Law.

Of Richard F. Freeland and others, of the Township of Bosanquet, in the County of Lambton; praying that the Bill now before the House to prevent the traffic in Intoxicating Liquors may become Law.

Of the Municipal Council of the County of L'Islet; praying that the Municipal and Road Bill of Lower Canada may not become Law.

Of Joseph Woodruff, Clerk of the Peace for the United Counties of Lincoln and Welland, and J.H.S. Dolmage, on behalf of the Clerks of the Peace for Upper Canada; praying relief and remuneration for their official services, which have been reduced by recent Acts of the Legislature.

Of G.W. Allan, Mayor of Toronto, and others, Stockholders in the Provincial Insurance Company; praying that the Act 12 Vic. cap. 167, incorporating the said Company, may not be amended by the Bill now before the House as regards the election of all of the Directors annually.

Of the Reverend A. Mignault and others, Roman Catholics, of the Parish of Ste. Angélique, in the County of Ottawa; praying aid for the establishment of a Superior School in the said Parish.

Of the Municipal Council, Division No. 2, of the County of Ottawa; praying aid for a Road and Bridges.

Of the Municipality of the Township of East Hawkesbury, in the County of Prescott; praying aid for the improvement of Public Roads, and for the erection of Bridges thereon.

Of Donald Cameron and others, of the Township of Darlington, in the County of Durham; praying for the passing of an Act to authorize the survey and placing

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of stone monuments at the corners of lots in the broken front concession of the said Township.

Of Owen Owens and others, of Grenville, Chatham, and Argenteuil; praying that the Canals from Carillon to Grenville may be made of uniform width with those of the Rideau.

Of the Belleville Gas Company; praying for certain amendments to the Act 16 Vic. cap. 173.

Of William Ross, Deputy Assistant Clerk of the House; praying for an increase of salary.

Of the Municipality of the United Townships of Moulton and Sherbrooke, in the County of Haldimand; praying for aid to enable them to complete the Buffalo, Brantford and Goderich Railway.

Of John Dean, of the Township of North Cayuga, in the County of Haldimand, Farmer; stating that the Indian Office purpose to wrest from him the front of his farm unjustly, 35 acres, in order to lay it out in Village Lots; and praying for enquiry into his case.

Of Pierre Lessard and others, of the Parish of Ste. Ursule; praying that a Registry Office may be established in the said Parish.

Of the Reverend T.S. Brassard, Curé, and others, of the Parish of La Conversion de St. Paul, in the County of Joliette; praying for aid to enlarge two Educational Establishments in the said Parish.

Of Hugh Gorman and others, of the Township of Buckingham, County of Ottawa; praying aid for the Buckingham Academy.

Ordered, That the Petition of Michael Haller and others, of the Village of Preston, in the County of Waterloo, be referred to the Standing Committee on Miscellaneous Private Bills.

Ordered, That the Petition of the Municipal Council of the County of L'Islet, be referred to the Committee of the whole House on the Bill to reform the Municipal System of Lower Canada, and to establish County, Parish, and Township Municipalities therein.

On motion of Mr. Laberge, seconded by Mr. Powell,

Ordered, That the Select Committee on the Montmagny Election Petition have leave to adjourn until Friday the thirtieth instant at Ten o'clock in the forenoon.

Mr. Langton, from the Standing Committee on Standing Orders, presented to the House the Twenty-fourth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of the Municipal Council of the County of Perth, for an amendment of the Act 16 Vic. cap 169, in relation to the votes to be given on Stock held by Municipalities, so far as the same affects the Buffalo, Brantford, and Goderich Railway Company, and they find that no Notice has been given by the Petitioners.

The Petition of Soeur Marie St. Maurice Borgel, Superior, and others, Soeurs de la Presentation de Marie, at Ste. Marie de Monnoir, for an Act of Incorporation, is not of such a nature as to require the publication of Notice.

The Petition of the Montreal Telegraph Company prays for an enactment to remove doubts as to their right to acquire real estate for the erection of Stations upon their present line, and also to empower them to extend the said line and to construct branches,--with other amendments to their Charter. Your Committee find that no Notice of the application has been given; they cannot therefore recommend that the powers applied for by the Company be granted them, except in so far as respects the establishment of their right to hold the land required for their Station houses upon the line already chartered.

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Mr. Felton reported from the Select Committee appointed to enquire into the state of Agriculture in Lower Canada, and the best means of improving the practice thereof, and of advancing the interests of those engaged in that occupation, and other references, with power to report from time to time, That the



Committee had gone through the Bill to amend the Act establishing a Bureau of Agriculture and consolidating the Laws relating to Agriculture, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Monday next.

Ordered, That the Tenth Report of the Standing Committee on Contingencies, be taken into consideration on Monday next.

Ordered, That the Petition of the Municipal Council, Division No. 2, of the County of Ottawa, be printed for the use of the Members of this House.

Ordered, That the Petition of the Municipal Council of the County of Middlesex, be referred to the Select Committee to which was referred the Bill to amend the Municipal Corporation Acts.

On motion of Mr. Papin, seconded by Mr. Prévost,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, a Statement of the Revenue and expenses of management of the Turnpike Roads in Montreal, during the years 1853 and 1854.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Mr. Jean Baptiste Eric Dorion moved, seconded by Mr. Papin, and the Question being put, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, copies of all Applications made to the Government for the Office of Registrar for the County of Verchères, on the occasion of that Office becoming vacant in July, 1854;--

MR. AT. GEN. DRUMMOND s'oppose à la motion, parce qu'il ne veut pas faire connaître les noms de toutes les personnes qui font des applications au gouvernement<sup>2</sup>.

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It passed in the Negative.

Ordered, That Mr. Jean Baptiste Eric Dorion have leave to bring in a Bill to detach a certain part of the Township of Arthabaska from the District of Three Rivers, and to annex it to the District of Quebec.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That Mr. Solicitor General Smith have leave to bring in a Bill to declare the Act confirming a Survey of the Township of Ameliasburgh, to extend to the Township of Hillier which, at the time of the Survey, formed part of Ameliasburgh.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

On motion of Mr. Larwill, seconded by Mr. Chisholm,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before



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*this House, a Return of the amount of the Fee Fund of each County in Canada West, for the years 1851, 1852, 1853 and 1854.*

*Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.*

*On motion of Mr. Mongenais, seconded by Mr. Jean Baptiste Daoust,*

*Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, a Statement of Monies voted from 1852 to December 1854, for the improvement of the Rapids Ste. Anne; also, the Reports of the Engineers who surveyed the said Rapids after the above mentioned date; also, a Statement of the Monies laid out for improvements made according to these Reports; and also, of the balance which has not been expended for these improvements.*

*Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.*

MR. J. DORION (de Drummond) propose une adresse à Son Excellence, demandant copie de toutes correspondances entre P.M. Pacaud, écr., d'Arthabaska, et le gouvernement, ou aucun de ses employés, au sujet de la confection d'un chemin depuis Chester jusqu'au lac Aylmer.<sup>3</sup>

MR. AT. GEN. DRUMMOND demande à l'honorable membre dans quel but il propose cette adresse, car si ce n'est pas dans l'intérêt public, mais seulement pour atteindre un but personnel, il s'y opposera.<sup>4</sup>

MR. J. DORION dit que le chemin dont il s'agit est d'une très grande importance pour le comté d'Arthabaska et même pour la plus grande partie du sud du district des Trois-Rivières. Le chemin qui a été commencé par le gouvernement depuis Chester jusqu'au lac Aylmer devrait être dirigé de Chester sur le village de St. Christophe, chef-lieu du comté d'Arthabaska et d'où il y a un chemin qui conduit en droite ligne par Bulstrode et Aston, à St. Grégoire, vis-à-vis la ville des Trois-Rivières. Ce chemin intéresse les habitants d'une grande partie des townships, et si la rumeur dit vrai, il paraîtrait qu'il y a eu des correspondances entre M. Pacaud, qui surveille la confection de ce chemin, et le gouvernement pour en changer la direction; on proposerait de diriger le chemin du lac Aylmer à Chester sur St. Norbert et tous ceux qui connaissent la localité savent que ce déplacement du projet primitif aurait l'effet de détourner la voie de communication. De St. Norbert il faudrait remonter deux ou trois lieues pour prendre le chemin de Bulstrode ou descendre à Stanfold pour prendre le chemin de Blanford qui conduit à Gentilly, à cinq lieues au-dessous de la ville des Trois-Rivières.

Les habitants du comté désirent savoir quelles démarches ont été faites auprès du gouvernement à ce sujet, si toutefois il y en a eu. On dit que M. Pacaud a entretenu des correspondances avec le gouvernement pour obtenir ce déplacement de chemin. En obtenant la correspondance, les intéressés seront mis en état de faire connaître leur volonté sur une aussi importante question pour eux. C'est le but qu'il avait en proposant cette adresse, et il espère que l'honorable procureur-général sera convaincu qu'il n'avait aucun but personnel en vue, mais qu'au contraire, l'intérêt public seul l'a engagé à faire la proposition.<sup>5</sup>

MR. AT. GEN. DRUMMOND admet que cette adresse est demandée dans l'intérêt public, et ne s'y opposera pas; mais il conseille à l'hon. membre de retrancher

le nom de M. Pacaud, parce qu'il n'y a pas eu de correspondance seulement avec lui.<sup>6</sup>

MR. J. DORION y consent et l'adresse est votée.<sup>7</sup>

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*On motion of Mr. Jean Baptiste Eric Dorion, seconded by Mr. Papin, Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, a copy of all Correspondence which has taken place between the Government or any of the Employés thereof, and any of the Inhabitants of the County of Arthabaska, with reference to the completion of a Road from Chester to Lake Aylmer.*

*Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.*

*On motion of Mr. Cooke, seconded by Mr. McCann,*

*Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, copies of all Correspondence which may have passed between the Superintendent of Education, Canada East, and the Inspector of Schools for the District of Ottawa, since the date of his appointment; and a Return of the Schools in the said District, shewing the number and name of each School District, the Township or Seignior in which situated, whether a Model or Common School, the names of the Commissioners and Teachers of each School, the salary of each Teacher, whether such School has been in operation during the scholastic year, the amount paid out of the grant from Government for the support of each such School, and the branches of education taught in each; whether any of the School Districts have received aid to build, repair, or purchase School houses, or the ground for their erection; if so, the amount so paid, and to whom; also the number and date of each visit made to each separate School by the said Inspector; the names of the Commissioners and Teachers of each School District at the time of such visit, and the number of Scholars attending the Schools so visited; and whether such School District had complied with the Law, either by voluntary contributions or by a School Rate.*

*Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.*

*On motion of Mr. Mackenzie, seconded by Mr. DeWitt,*

*Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House for its*

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*information, copy of the Royal Instructions to His Excellency when he took the reins of Government in this Colony.*

*Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.*

*Resolved, Than (sic) an humble Address be presented to His Excellency the Governor General, praying for a copy of the Report of David Thorburn, Esquire, Commissioner of Indian Lands, presented to Government on the 7th of December last, upon the Grand River Navigation; and also the communication and Report on the same subject, of the 5th and 6th instant, for the information of the House.*

*Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.*

*A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--*

*Mr. Speaker,*

*The Legislative Council have passed the Bill, intituled, "An Act to amend so much of any Law in force in Lower Canada as authorizes the sale of any property by the authority of Justice on Sundays," with several Amendments, to which they desire the concurrence of this House.*

*And then he withdrew.*

*Ordered, That the Petition of the Municipality of the Townships of Moulton and Sherbrooke, in the County of Haldimand; and the Petition of the Municipality of the Township of Canborough, be printed together, for the use of the Members of this House.*

*Ordered, That the Petition of William Ross, Deputy Assistant Clerk of the House, be referred to the Standing Committee on Contingencies.*

*The Honorable Mr. Cartier, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address of the Legislative Assembly to His Excellency the Governor General, dated the 26th of September, 1854, praying His Excellency to cause to be laid before the House, copies of all Papers and Documents connected with the sale and purchase of the Rondeau Harbour.*

*For the said Return, see Appendix (I.I.I.)*

*On motion of Mr. Sidney Smith, seconded by Mr. Patrick,*

*Resolved, That a Message be sent to the Honorable the Legislative Council, to request that their Honors will give leave to the Honorable Etienne Paschal Taché, one of their Members, to appear before the Special Committee of this House appointed to enquire into charges against the late Administration.*

*Ordered, That Mr. Sidney Smith do carry the said Message to the Legislative Council.*

*The Order of the day being read, for resuming the adjourned Debate upon the Amendment which was, on Wednesday the eighth day of November last, proposed to be made to the proposed Amendment to the Question, That an humble Address be presented to His Excellency the Governor General, representing to His Excellency that, in the opinion of this House, the time has arrived when a different and much more satisfactory arrangement may be made as regards the place of convening Parliament, than at present exists: That the present system of alternate*

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*Parliaments is inconsistent with a proper regard to the economical expenditure of public money, uncalled for by the necessities of the country, injurious to the preservation and methodical arrangements of the Public Archives and Library, and productive of great inconvenience and injustice to permanent Officers in the Public Departments; and that the same ought to be changed, and a permanent place selected for the assembling of Parliament, suited, as far as possible, to the convenience of all sections of the Province; and which proposed Amendment was, That all the words after "That" to the end of the Question be left out, and the words "it is inexpedient to interfere with the arrangement in regard to the Seat of Government adopted by this House in 1849, and re-affirmed in 1851" inserted instead thereof; and which Amendment to the said proposed Amendment was, That*



*the words "and that in accordance with that arrangement the Public Departments should be removed to Toronto in 1855" be added at the end thereof;*

*And the Question on the Amendment proposed to be made to the proposed Amendment to the Original Question, being again proposed:--The House resumed the said adjourned Debate.*

MR. PATRICK said he was satisfied there were not 20 members of this House, who were not perfectly convinced of the propriety of moving to Toronto this year. At the same time he believed the majority were in favour of a decision being come to as speedily as possible to have a fixed, permanent seat of Government. When the question was formerly before the House, an attempt was made by his friend on his right, Mr. Hincks, to frighten the Legislature from arriving at that determination by the cry of a dissolution of the union.<sup>8</sup> La question a été remise; mais il croit la chambre prête à la discuter aujourd'hui.<sup>9</sup> For his own part he did not think that any danger of that sort was to be apprehended. He believed they were more likely to maintain<sup>10</sup> [OR] strengthen<sup>11</sup> the union by fixing a permanent Seat of Government than by perpetuating the present alternating system, which rendered them ridiculous in the eye of the whole civilized world.<sup>12</sup> Every one admitted that the present system entailed the greatest hardship upon persons connected with the several departments of the public service, and great unnecessary expense upon them and the Province.<sup>13</sup> There might at first sight appear to be a difficulty, from the question in which section of the Province the Seat of Government should be permanently fixed. Lower Canadians would contend that it should be in Lower Canada, on the ground that Lower Canada<sup>14</sup>, as the oldest, longest settled portion of the Province,<sup>15</sup> had contributed the least portion of the public debt at the time of the union, and that its local position was such as to make it most suitable to have the Seat of Government permanently located in it. Upper Canadians on the other hand claimed that they should have the seat of Government in their section, on the ground that they were most numerous and the most rapidly increasing in population, that they contributed most largely to the public revenue, and that as a people they had more youth and health and vigour than the Lower Canadians.<sup>16</sup> He was happy in making a proposition which he believed with confidence would please all parties, that it should be placed on neutral ground. The city of Ottawa which might be described as the Columbia of Canada, scarcely in one Province or the other (an honorable member 'tis nowhere) one of the finest situated cities in the world, the district one of the fairest and richest, the property ready purchased, the ordnance property--ready prepared and well suited in every respect and if honorable members would divest themselves of all prejudices, he thought that was the place he would choose.<sup>17</sup> He hoped, therefore, that the present perambulating system would cease, and that either his own motion would prevail, or that which was intended to be submitted by his hon. friend, the Attorney General East.<sup>18</sup>

MR. AT. GEN. DRUMMOND then submitted an amendment to the effect that the Government after this session should proceed to Toronto to remain there for four years, and that the House do immediately proceed to choose a place where suitable buildings shall be erected, and where the seat of Government shall be permanently fixed at the expiring of that period. He thought that this amendment would suit the views of a great many gentlemen who conceived that the House were bound in justice to Upper Canada, to carry out the present arrangement for at least another term of four years by proceeding for that period to Toronto, but who were at the same time unwilling for ever to condemn the country to the ruinous expense<sup>19</sup>, the folly and demoralising influence of the itinerant system



of Government. He did not think that the people of the country were determined to doom the persons connected with the public service to give up all hopes of ever having a home. He did not think the people of Canada would consent to have the archives of the Province risked, and Parliament Buildings erected at three times their cost.<sup>20</sup> Good feeling between the two sections of the country had been promoted, and the prejudice entertained by the people of one section towards those of the other had been to a large extent removed. He thought, however, that all the good that might be expected in that way, had already been produced, and that it was time that this nomadic, wandering system should be brought to a termination.<sup>21</sup> Many men who might have been of service to the country had been driven from its service, by the system, and many more would be driven away if the system were continued. He could imagine no argument against a fixed seat of Government. He did not stand up to advocate the fixation of the seat of Government at any particular place. He wished a seat of Government permanently fixed, whether that place be Port Sarnia, London, Toronto, Kingston, Quebec, or the Island of Anticosti.<sup>22</sup> It was time that they should choose some place to be designated as the Capital of Canada, where they should erect public buildings that would be an honour and a credit to the Province. If he were to consult his own convenience and wishes, he would say, remain where you are under the protection of the great citadel of Quebec, especially in present circumstances when they knew not what would come out of the cloud that was now hanging over Europe and the world--he would say, remain in Quebec till those public buildings should be erected in what should be chosen as the permanent seat of Government. But he knew that the current of opinion ran against those views, and he would not object to their going four years to Toronto.<sup>23</sup> He was willing to yield his opinion to secure the object of his desire, a fixed seat of Government. He admitted that good had arisen (sic) out of the alternate system, adopted under peculiar and trying circumstances, but that advantage having been gained, let us abandon (sic) the absurdity and retire to a fixed seat.<sup>24</sup>

MR. BROWN, rose in reply to the Attorney General. While he readily admitted that very much might be said in favour of a fixed Seat of Government, he was very far from agreeing with the hon. Attorney General East that not one argument could be offered in favour of the system which had been adopted for the last few years.<sup>25</sup> If he remembered rightly the late Inspector General and the honorable Attorney General East himself believed there were a few years ago.<sup>26</sup> The Attorney General himself had admitted that much good had resulted from bringing the people of the two sections of the Province together. Every one would admit that where it could conveniently be done, fixing the Seat of Government in some one place was clearly the best system. But it was obviously very difficult to fix upon one spot in Canada to which strong objections could not be made. They had an immense extent of country 1500 miles in length, two races of inhabitants, two languages,<sup>27</sup> two religions,<sup>28</sup> and two sets of institutions and it was very difficult to select a space where justice would be fully rendered to all interests. It was very difficult to find common ground for the permanent location of the Government in either section of the Province, where the influence of that portion of the population would not be felt injuriously to the interests of the other. (Hear, hear.) In his opinion, for example, to select Quebec as the permanent Seat of Government would be a gross injustice to the people of U. Canada, whose feelings, whose principles, whose institutions would never receive here that justice, that consideration, that fair play, which would be accorded them in their own portion of the country. (Hear, hear.) And a similar feeling would be entertained, he did not doubt, by the people of this part of the country, if the Seat of Government were permanently fixed in Toronto. Some-

thing, therefore, might be said in favour of the moveable system, although he admitted it would be preferable could some one neutral ground be found where all parties might meet on equal terms, where they could all feel that so far as locality and public feeling were concerned, no injustice would be done to the one party or to the other. But fortunately that question did not now arise.<sup>29</sup> The attempt to make a permanent (sic) location could never be agreed to [by] the House, [and] it was an attempt to break a solemn bargain now when Lower Canada had received her share of the benefit of it and four years had been spent here.<sup>30</sup> To change the present system at the very moment the departments were about to remove to Toronto--to break the solemn bargain which was made a few years ago with the people of Upper Canada, was a proposition to which he hoped the House would not listen for a moment. Since the Union the Seat of Government had been, first, two years in Upper Canada, then six years in Lower Canada, then two years in Upper Canada, and now four years again in Lower Canada, that is, it has been four years in Upper Canada, and ten in Lower since the Union--and to propose at such a moment that it should be permanently fixed in Lower Canada, would be the grossest injustice to the other section of the Province. Let Upper Canada receive her portion of the bargain, and then it would be time enough to talk about changing the system. The bargain on the fulfilment of which he now insisted, had not only been recognized by resolutions of the House, but rested on the basis of a solemn Act of Parliament.<sup>31</sup> It was provided by the statute 16 Victoria cap. 61, that public buildings should be erected in Upper Canada for the use of the Parliament, and that had never been done, and in that very statute an existing arrangement was recognized. There may be a great deal to be said on both sides as to permanent and moveable government<sup>32</sup>. A moveable Seat of Government was not after all such a novelty as some hon. members would have them suppose that system having existed in Belgium, and being at this moment in operation in several of the United States. It might also be recommended from a consideration of the present circumstances of the Province. We might be considered almost as in a transition state, scarcely knowing to what constitution we were tending<sup>33</sup> in consequence of the Bill now before the House (the Legislative Council Bill) which would so much change the constitution of the Country.<sup>34</sup> Emigration, too, was pouring in so fast that we could hardly tell how the relative importance of the various sections of the Province might be changed in a few years. He thought therefore they might very well let the matter rest in abeyance for the present. As to the position in which the question now came before the House, he was perfectly willing to adopt Mr. Hartman's amendment, which only made his own motion more distinct.<sup>35</sup> He well understood the arrangement between his honorable friend the member for Glengary, the honorable member for Montreal, and the honorable Attorney General East. They would go to Bytown, and then they would help one another (sic) to go to Montreal where they would remain.<sup>36</sup> The Attorney General's amendment was simply the original motion in another shape, and he desired to call the attention of Hon. members to this, that carrying that amendment was simply equivalent to carrying a vote in favour of the city of Montreal. (Hear, hear.) The hon. gentleman might talk about the City of Ottawa, but no one believed that he was serious. If the principle of a permanent seat was to-night adopted and the selection of a place proceeded with, everyone knew now as certainly as he would after the division list was called, that most votes would unite on Montreal. He hoped the Quebecers had not been led by their Montreal friends to imagine that they had the ghost of a chance, in the event of a permanent seat being selected to-night. (Hear, hear.) It was perfectly obvious that all Upper Canada would vote against Quebec, as a permanent Seat; failing the selection of Quebec, it was equally obvious that every

Lower Canadian member would vote for Montreal,--and as the Ottawa and Cornwall interests would be thrown for Montreal, when their own fanciful hopes were dispelled,--it was quite apparent that Montreal would carry the day by a considerable majority. The clear interest of the representatives of Quebec was to adhere to the existing arrangement, and stick to Toronto, as Toronto had stuck to Quebec. (Hear, hear.) He did not look upon this question as one that should be determined by mere selfish or local considerations. He desired to look upon it from a higher point of view, feeling that our legislation, our administrative system, and the public policy of the country were all much influenced by the locality of the seat of Government. No set of public men, however firm and upright, would fail to be influenced by the feelings, and the sentiments of the population around them. It was not a subject, therefore to be hastily disposed of, and he hoped that the House would leave the settlement of the question in abeyance at all events until justice had been done to Upper Canada, when they would be in a better position to discuss it. (Hear, hear.)<sup>37</sup>

MR. AT. GEN. DRUMMOND dit que l'hon. membre pour Lambton se trompe, parce qu'il est en faveur de la cité d'Ottawa (Bytown) pour être le siège permanent.<sup>38</sup>

MR. POWELL would not follow the example of previous speakers, but would confine himself to the question whether the system of alternate seats of Government were more for the interest of the Province than a permanent seat of Government. He would not draw invidious distinctions with respect to localities, as the honorable member for Lambton had done, in having commenced his attack upon the Government by objecting to Lower Canada, on account, as he alleged, of peculiar influences which were brought to bear on legislation. He had thought that the atmosphere by which he was surrounded had little effect on the honorable member for Lambton. He had supposed that he would have been as firm a champion of Protestantism in the Roman Catholic City of Quebec, as he pretended to be elsewhere. But the honorable member said, that if the arrangement to remove to Toronto was violated, a gross injustice would be done to Upper Canada. And this was said, too, by that honorable member, who had manifested so much respect for endowments, so much respect for vested rights, so much respect for everything which other men held sacred. The honorable member for Lambton now spoke of "sacred obligations." A "sacred obligation!" entered into when Montreal was under the influence of a mob, the Parliament Buildings were burned during a riot, and fear had taken possession of legislators.<sup>39</sup>

MR. SOL. GEN. H. SMITH, No! No!<sup>40</sup>

[MR. POWELL continued:] He excepted the conservative portion, (laughter.) The honorable member for Lincoln had spoken in praise of constables and the police systems now existing, and that, too quite oblivious of the circumstances that when the Parliament was attacked, he found it necessary to say to the mob that impeded his escape--"May I go?" When that honorable member was using such arguments as he had advanced against the militia bill, it struck him, as he recollected the Montreal affair, they were rather hollow. But even in '49 when legislators had temporarily taken leave of their senses; the division was 35 to 25 (sic). And what did Lord Elgin, who was so looked up to and respected as an oracle of wisdom? He said the charge was a serious one and he hoped they had been coerced by undue influences. Had legislation on the matter of ... a seat of Government been the[n] delayed only for a month legislators would not have been led into the fatal error which had only been productive of inconvenience and expense. The honorable member for Lambton had said that Montreal was to be



fixed on as the seat of Government. He (Mr. Powell,) cared not whether it was fixed at Gaspé, Sandwich, Toronto, Quebec, or Montreal provided the present wandering nomadic system was got rid of. The honorable member for Lambton had appealed to the member for Cornwall by allusion to the most westerly part of Lower Canada only being eligible, and tried to catch the members (sic) of Quebec in his Toronto net and the alternate system, by saying that Quebec had no chance of being permanently the seat of Government.

He would only ask that honorable member if he were now prepared to vote for an appropriation for the erection of Parliament buildings in Quebec for the accom[m]odation of the legislature four years hence? The reason why the alternate system was determined upon was there were Parliament buildings both in Toronto and Quebec. But what was now the case? There was not adequate accom[m]odation of the legislature in either city. Now ont (sic) only £60000, the amount already expended in Parliamentary buildings, would be necessary for the removal to Toronto, but £170,000 would require to be expended in Toronto and £170,000 at Quebec, in addition to which £25,000 a year would be spent in the attempt to make Upper Canada acquainted with Lower Canada and vice versa. In making acquaintances in Lower Canada he had possibly been as successful as the hon. member for Lambton, particularly with one description of the inhabitants, and yet he could not do otherwise than<sup>41</sup> look at his acquaintanceship's argument as absurd in so far as it regarded a permanent or changeable seat of Government.<sup>42</sup> What would be said of an English statesman who should propose a wandering, vagabondizing parliament, and would use as an argument, that it was necessary to go to Ireland one year, to Scotland another year and come again back to England, so that English, Irish and Scotch members of Parliament might be personally acquainted in each of the United Kingdoms. He was surprised to find the member for Lambton rowing in the same boat with the hon. member for Renfrew.--The member for Lambton solemnly spoke of a solemn compact having been entered into by the government to carry out the alternate system. And he speaks of such a compact in the face of his own disregard for the compact implied by the Union Act which provided for an equal representation by population. Although as regarded compacts under the system of responsible government, they were not particularly binding, one of the phases of responsible government being that a government or opposition could do anything imaginable. He was heartily glad that the government had come to the determination of having a permanent seat of government, and he would support them in fixing a place, whether it should be Bytown, Montreal, Quebec, or any other place, while at the same time recording his unalterable opinion, that Bytown possessed peculiar advantages in having both a French and English population, and by being the united link between Upper and Lower Canada, a magnificent bridge at that city connecting the two sections of the province.<sup>43</sup>

MR. CHABOT, in French,<sup>44</sup> [said] he thought the time called for the fixation of the seat of Government. We knew not what might be the result of the present war. Before four years the very system of Government might be changed.<sup>45</sup> [Il] admet qu'il y a des désavantages dans le système actuel, mais il soutient en même tems qu'il n'y a pas d'autre système possible; et la chambre a prouvé, en 1851 et 1853, que le système d'ambulance était le meilleur, en consentant à le mettre en pratique. Puisque le procureur-général le trouve si absurde et si ridicule, il ne comprend pas comment il se fait qu'il reste au ministère avec des collègues qui pensent tout le contraire, et surtout qu'il propose de le continuer encore pendant quatre ans; pourquoi ne pas y mettre un terme immédiatement? Pourquoi ne pas le laisser à Québec puisqu'il y est, au lieu d'aller à Toronto pendant quatre ans, et d'en repartir encore au bout de ce tems?



D'ailleurs, cette question est une des prérogatives de la couronne, et la chambre n'a pas le droit de décider par une résolution où le gouverneur devra convoquer le parlement; on doit être au ministère d'aviser Son Excellence sur l'endroit où il faut convoquer le parlement.<sup>46</sup> The change had been made in 1849 by an address to the Governor, and he thought the correct mode of procedure. He thought the hon. Attorney General should have adopted ... that course.<sup>47</sup> The Attorney-General was jealous of the action,<sup>48</sup> [OR] of the archives, and yet he would gladly remove the archives to Toronto in the fall of 1855. He thought that wherever the seat of Government were fixed, it ought so to be fixed under the responsibility of the Governor General.<sup>49</sup> Si l'on fixe le siège du gouvernement dans le Bas-Canada, il y aura de l'agitation dans le Haut, et si on le fixe dans le Haut, il y en aura dans le Bas; ainsi dans l'intérêt du peuple, et malgré tous les inconvénients qu'il entraîne, il faut maintenir le système actuel pour prévenir toute agitation à ce sujet. Si l'on veut faire fonctionner l'Union, il faut faire des concessions de part et d'autres, sans cela il n'y aura pas moyen de s'entendre. En conséquence il votera contre l'amendement de M. Drummond<sup>50</sup>. He would vote against all the motions, and that Parliament should remain where it was until the close of the war. Should the war become general, and unfortunately extend to this country, he thought the Government ought not to be removed.<sup>51</sup>

MR. J.S. MACDONALD (Glengarry).--His hon. friend who had just sat down, was not in favour of a perambulating seat of Government.--If this was an open question, how could the Governor General determine it. If this House had passed a measure taking the seat of government away from Quebec before the expiration of four years--he would ask the hon. gentleman who was a member of the Legislative Council last session--How would that body entertain it, would they adopt i[t]--certainly not. The Parliament he knew would be safe anywhere, but why not at once adopt a permanent place and avoid the inconvenience and expense of perambulating parliaments--if hon. gentleman (sic) were sincere in their sayings that a permanent location was the best and least expensive. Let us have proper public buildings, which we can look to with pride and which will be worthy of Canada for our parliament, which our country--and ourselves--our employe[els] and their families will find convenient and unexpensive<sup>52</sup>. [He] said he would vote for any place, Toronto, or anywhere else, as a permanent seat of Government, rather than continue the present system, which made them the laughing stock of the whole world. He warned hon. members connected with Quebec, not to vote for the perambulating system, in the hope that once Parliament was in Toronto it would ever come back again to Quebec<sup>53</sup>, for when the Parliament would once be removed to Toronto, the cry would be raised against the expenditure of \$40,000 or \$50,000 to erect a building in Quebec.<sup>54</sup> He saw that his hon. friend from Lambton (Mr. Brown) was displaying a very great deal of interest in this question. He seemed to be perpetually moving from one corner of the House to the other. He was in fact full of the perambulating system. (Laughter.) It was not often that they heard his hon. friend from Lambton quote the example of Belgium, or Italy, or the United States. (Hear, hear.) But when it suited his purpose, he was very glad to-night to talk about Belgium and the United States, the very last countries whose systems they would have expected him to copy. (Hear, hear.) But his hon. friend said the alternate system must commend itself to all the well wishers of their country. Yes! until he got the Parliament to Toronto, and then he would sing a different song, and ask whether the people of Upper Canada, paying two thirds of the revenue, would consent that Parliament should go back to Quebec where there was no healthy public opinion, and where

they were domineered over by the French (Hear, hear.)<sup>55</sup> How is it that we did not find out before an accident drove us from Montreal, that the system of alternate parliaments was not so very good as it is now represented. Oh no, but when we went to Toronto it was all at once that the discovery was made. The Legislative Council Bill would be passed before the expiration of the period of the holding the Parliament at Toronto, and then hon. members would<sup>56</sup> find that it would not be expedient.<sup>57</sup> Excuses would readily be found for keeping it in Toronto, once it was there, and besides there would be another general election, and a new House which would not consider itself at all bound by any understanding come to by this House.<sup>58</sup> He was ready to go anywhere the majority of the House decided, but let it be permanent.<sup>59</sup>

MR. HINCKS had understood that the question was to be discussed with calmness, but the tone of honorable members, he thought, [was] ill calculated to promote calmness in debate. The course pursued by the Hon. Attorney General was not calculated to promote that good feeling so much to be desired. When that gentleman undertook to censure every man who thought differently from him, he could not hope that others would avoid retort.<sup>60</sup>

MR. AT. GEN. DRUMMOND denied that he censured any one.<sup>61</sup>

MR. HINCKS.--The strong language used towards the scheme itself justified the remarks of the promoter of that scheme. Had he (Mr. Hincks) been at Montreal when the determination to adopt the alternate system was adopted, he would have recorded his vote against it. But he was fully prepared to affirm that the system had proved advantageous to the country.<sup>62</sup> The good which the Attorney General admitted had resulted from it, would, he believed, continue to be experienced, while the expense and inconvenience involved had been very much exaggerated.<sup>63</sup> Owing to the remarks of the member for Glengarry, he would refer to the history of the movement. The first determination on the subject was come to in Montreal after the burning of the Parliament House. The second took place in 1851, when Mr. Boulton of Toronto, and Mr. Boulton of Norfolk, declaring (sic) that the Government should remain in Toronto for four years, or that the seat of Government be permanently fixed. There had not been the slightest disposition on the part of the people of Toronto, but they feel aggravated by the decision arrived at before leaving Montreal, that the city first having the government should have it only for two years. That agreement had been but imperfectly understood.<sup>64</sup> The Attorney Gen. had always been opposed to the alternate system of Government; but he thought his zeal for the Ottawa was of more recent date, and originated in a festive occasion, at which the hon. member for Carleton presided. He had some difficulty about voting for the motion of the hon. member for Lambton, but he believed he must do so as the best of the propositions before the House. He held that the alternate system had the assent of the Government and of the House generally in 1851, so that a sum of money was actually granted to go on with the buildings in Toronto, and this with the sanction of the Attorney General (East).<sup>65</sup> That appropriation had been found to be two (sic) small, and hence nothing was done. The absence of these public buildings tended to keep up the excitement, and he did think that the matter should be fully decided, and the requisite improvements immediately entered upon. Of course a question of this kind was decided much upon local consideration.<sup>66</sup> He hoped those interested in Quebec would not be induced on this occasion to separate themselves from gentlemen representing the western interest.<sup>67</sup> The member for Glengarry had perhaps no pecuniary interest in Montreal, but all members had local feelings; and he supposed that if a permanent seat of

Government were determined on, his duty to his constituents would make him vote for Bytown. As to the threats of the displeasure of his constituents, however, he cared nothing for them. They knew what his sentiments were before they elected him and if they did not approve of those sentiments they ought not to have elected him. He declared that he had no belief that any large number of the members thought of making Bytown the seat of Government, and that the pretended favour to Quebec shown by the people of Montreal was a mere trap for if the permanent system were once determined on, Montreal must be the place. It was said that there was no alternate system of Parliaments in Dublin and London; but if that were so, it was not because the Irish did not desire to have the Parliament sometimes there, but because they were outvoted in Parliament.<sup>68</sup> The hon. gentleman proceeded to expose the scheme of hon. gentlemen to secure their mutual object.<sup>69</sup>

MR. LORANGER est en faveur de la permanence du siège du gouvernement. Il voudrait le voir fixer dans un endroit qui conviendrait à tout le monde, mais cette question intéresse particulièrement le Bas-Canada, qui a le pouvoir de le fixer dans son sein, et il déclare franchement qu'il voudrait voir le siège du gouvernement établi pour toujours dans le Bas-Canada. On a parlé de la guerre d'Orient à propos de cette question, mais il pense que le système actuel fera durer la guerre du siège du gouvernement plus longtemps que la guerre d'Orient s'il est maintenu, car les intérêts locaux seront toujours en jeu, et ce sont les plus difficiles à contenter.

La question de la guerre d'Orient n'a rien à faire avec celle du siège du gouvernement, car il ne craint pas que les Russes viennent attaquer le parlement canadien, qu'il soit à Toronto ou à Québec. Il ne voit aucune raison plausible pour conserver le système absurde d'ambulance, qui n'a été intronisé que sous l'influence d'une terreur panique dont on a honte aujourd'hui. On parle de parole engagée--mais quel est le membre qui a engagé sa parole aux Haut-Canadiens? S'il y a eu engagement, ce n'est que privément, par deux membres qui ne font plus partie de cette Chambre depuis longtemps, et le parlement ne peut se considérer comme lié par des conventions faites entre deux individus. D'ailleurs, l'intérêt public ne doit-il pas prendre le pas sur les engagements que des membres pourraient avoir faits,--et si le Parlement même était engagé, il serait justifiable de ne pas donner suite à cet engagement si l'intérêt public l'exigeait. L'opinion du peuple du district de Montréal se manifestera certainement contre les membres du district de Québec, s'ils persistent à maintenir le système actuel.

À la fin de la première partie de la session, les membres du district de Montréal ont offert de s'engager à voter pour maintenir le siège du gouvernement à Québec, et qu'ont répondu les membres du district de Québec? Ils nous ont répondu que c'était un piège,--qu'on voulait les faire voter pour la permanence, et que, ensuite on transporterait le gouvernement à Montréal. Et malgré que les membres du district de Montréal offrissent de s'engager positivement à voter pour faire fixer le siège du gouvernement à Québec, on a refusé de voter pour la permanence. On a donné le véritable motif de ce refus dans une réunion privée--un membre de la cité de Québec (le Dr. Blanchet) a dit qu'ils s'y opposaient parce que voter pour Québec c'était voter pour ... gouvernement à Montréal après quelque tems.<sup>70</sup>

Plusieurs Voix.--C'est vrai! c'est vrai!<sup>71</sup>

MR. LORANGER.--Ainsi on votait en haine de Montréal et non pas parce qu'on croyait que le système ambulant était favorable à Québec! Et c'est là la seule



raison, parce que la grande majorité des membres du district de Québec sont en faveur de la permanence,--et pourtant ils voteront pour continuer le système actuel parce qu'ils craignent de voir le gouvernement établi à Montréal. Quelle grandeur de vues?

On dit que fixer le siège du gouvernement à Québec, c'est le fixer à Montréal; eh bien il (M. L.) soutient que l'envoyer à Toronto pour quatre ans, c'est le fixer là pour toujours, car, c'est là qu'on décidera qu'il doit être permanent et naturellement la ville où cette décision sera prise en aura le bénéfice, car on en viendra pas à cette décision pour se mettre immédiatement à voyager. Quand le gouvernement sera embarqué sur le bateau qui devra le transporter à Toronto, le peuple de Québec et du Bas-Canada pourra lui dire adieu, car il ne le verra plus.

On a parlé du rappel de l'Union à propos de cette question, eh bien! voici ce qu'il a à en dire. Si on vote pour l'ambulance, il faudra faire des bâtisses à Toronto qui coûteront des sommes énormes; il n'y aura pas assez de \$100,000, et l'hon. membre qui est à sa gauche (M. Hincks) lui dit même qu'il faudra au moins \$170,000. Eh bien! le Bas-Canada paiera la moitié de cette somme au profit du Haut-Canada, et si l'Union était rappelée, il faudrait tout cela. Mais en supposant même que l'Union ne soit pas rappelée, qu'arrivera-t-il? Dans quatre ans, l'opinion publique, déjà fatiguée du système actuel, et la grande majorité de la Chambre seront en faveur de la permanence, et le siège du gouvernement restera à Toronto et c'est le Haut-Canada qui en profitera. Voilà ce que préparent les membres du district de Québec. Malgré qu'il soit bien disposé à fraterniser en tout avec le Haut-Canada, il cherche d'abord l'intérêt du Bas-Canada, et il votera en faveur du Bas-Canada.

Entre autres inconvénients du système ambulant, il dit que s'il arrivait un accident au navire qui porterait les archives provinciales, on les perdrait d'une manière irrémédiable, pour satisfaire les petites animosités des membres du district de Québec contre Montréal.--On a dit déjà que Québec était la patrie des membres de ce district, mais ils seront traîtres à leur patrie--dans le sens limité du mot,--mais ils travailleront contre leur patrie en votant en faveur du système ambulant. (Écoutez! écoutez!) Son premier vote sera en faveur de Québec, et il espère que c'est celui qui l'emportera, parce qu'il croit que le siège du gouvernement doit être fixé à Québec. Tous les membres du district de Montréal voteront aussi en faveur de Québec. (Écoutez! écoutez!) On a cru durant la première partie de la session, que les membres du district de Montréal n'auraient pas assez de patriotisme pour voter en faveur de Québec; on ne comprenais pas qu'ils pussent sacrifier un intérêt de localité en faveur de l'intérêt général du pays,--mais il peut assurer les membres du district de Québec qu'on ne tient pas beaucoup, à Montréal, au siège du gouvernement, parce que cela a fait plus de mal que de bien quand il y était, et Montréal n'en a pas du tout besoin.--Dans l'intérêt du Bas-Canada, dans l'intérêt surtout de la langue française et des intérêts des canadiens-français, il désire que le siège du gouvernement reste à Québec--car c'est la seule ville qui soit restée purement française.--Il propose donc en amendement, ... que le siège du gouvernement soit fixé d'une manière permanente à Québec.<sup>72</sup>

[It was] seconded by MR. PAPIN.<sup>73</sup>

MR. BROWN and MR. PRES. EX. COUN. MACNAB called the attention of the Speaker to the point of order whether another amendment could be moved till the others were disposed of.<sup>74</sup>

MR. SICOTTE the SPEAKER decided that the question was now on Mr. Hartman's amendment, and that neither Mr. Loranger's nor Mr. Drummond's could be put till that had been disposed of.<sup>75</sup>



MR. AT. GEN. DRUMMOND and MR. LORANGER retirent leurs amendements pour les proposer lorsqu'il aura été disposé de ceux qui sont devant le fauteuil.<sup>76</sup>

MR. COM. PUB. WORKS LEMIEUX s'oppose à l'amendement de M. Hartman, parce que si la chambre décidait à quel endroit le siège du gouvernement doit se tenir, ce serait une infraction des privilèges de la Couronne. Il est en faveur du système actuel.<sup>77</sup>

MR. MARCHILDON trouve étonnant que le procureur-général se déclare en faveur de la permanence du siège du gouvernement, qu'il trouve le système actuel ridicule, absurde et ruineux, et que pourtant il ne veuille pas fixer le siège du gouvernement dès à présent. Cela lui fait croire que le procureur-général veut que le siège du gouvernement reste permanemment à Toronto, mais que pour lui il votera en faveur de Québec pour beaucoup de raisons.<sup>78</sup>

MR. COM. CR. LANDS CAUCHON dit que son opinion n'est pas changée depuis la première partie de la session, et il y a quelque chose sous les offres et les promesses des membres du district de Montréal. Ils voudraient faire croire qu'ils portent beaucoup plus d'intérêt au district de Québec que les membres du district de Québec eux-mêmes--mais il ne se laissera pas prendre à cela. Il pense que la question du siège du gouvernement n'est qu'une question de localité, et il pense que les membres du district de Montréal désirent autant l'avoir chez eux, que ceux du district de Québec désirent le garder. Il ne dira pas qu'il n'ajoute pas foi à la sincérité des représentans du district de Montréal, mais comme ils ne peuvent répondre pour leurs successeurs, il préfère conserver le système actuel dans l'intérêt de Québec. Il n'a pas plus confiance dans les membres du Haut-Canada, mais il sait que l'intérêt de Toronto est le même que celui de Québec, et cela est suffisant pour l'assurer que Toronto tiendra à conserver le système actuel.--On veut faire croire aux membres que si le gouvernement va encore une fois à Toronto il n'en reviendra pas, mais il (M. C.) est certain qu'il reviendra à Québec, parce que c'est l'intérêt de Toronto autant que celui de Québec. Il répète qu'il ne peut croire aux promesses qu'on fait aujourd'hui, parce que les membres du district de Montréal ne peuvent répondre de leurs successeurs, et que ceux-là voudront avoir le siège du gouvernement à Montréal. Malgré tout ce qu'on peut dire contre le système ambulant, on ne lui fera pas changer d'opinion, et il votera pour son maintien.<sup>79</sup>

MR. TURCOTTE dit qu'il savait déjà que l'hon. Commissaire des Terres (M. Cauchon) ne craint pas l'opinion publique, parce qu'il représente un comté où l'on doute qu'il y ait une opinion publique. L'hon. membre n'a confiance en personne qu'en lui-même; puisqu'il vient de nous déclarer qu'il ne se fie ni aux membres du district de Montréal ni aux membres du Haut-Canada. Il trouve étonnant qu'un homme d'État, qu'un conseiller de la couronne rapetisse une question aussi importante jusqu'à dire que ce n'est qu'une question de localité, quand le sort de la langue française dépend de cette question! Car si le siège du gouvernement se rend à Toronto et qu'il y soit fixé, que deviendra notre langue en chambre? cela nous mettra dans une position d'infériorité marquée.--L'hon. membre dit qu'il n'a pas confiance dans les membres du district de Montréal parce qu'il les soupçonne de désirer posséder le siège du gouvernement. Quel crime ce serait en effet! Est-ce parce que l'hon. membre a eu peur en 1849, qu'il ne veut plus entendre parler de Montréal?<sup>80</sup>

MR. COM. CR. LANDS CAUCHON.--L'hon. membre sait que je ne suis pas aussi peureux que lui: qu'il se rappelle l'élection de Champlain.<sup>81</sup>

MR. TURCOTTE ne rappellera pas le Saut-à-la-Puce, quoiqu'il puisse se rappeler Champlain sans honte.--Mais quand il y aura des bâtisses à Québec pour le gouvernement, quand il y sera installé, on craint de le voir aller à Montréal plus tard, et c'est pour cela qu'on refuse de le fixer à Québec? Quelle logique! quelle force de raisonnement! Les membres du district de Québec disent que quand même ils seraient certains de faire fixer le siège du gouvernement à Québec, (ils nous disent même qu'ils en sont certains,) ils ne voudraient pas voter pour cela, tant ils ont peur de Montréal (Écoutez! écoutez!) Eh bien! qu'ils votent pour Québec, qu'ils éprouvent la sincérité des représentans du district de Montréal, et si la motion est perdue, ils pourront ensuite voter pour Toronto et Québec alternativement s'ils le veulent. (Écoutez! écoutez!) On parle d'engagemens,--mais envers qui le gouvernement s'est-il engagé? Et quand même il y en aurait eu, à présent que Toronto a eu le gouvernement pendant un parlement, l'engagement est rempli, nous sommes libérés. Est-ce que le système actuel doit durer éternellement? S'il manquait une minute à l'engagement, est-ce que l'honneur du gouvernement serait perdu?--On a aussi parlé de patriotisme; mais est-ce du patriotisme de présenter une mesure pour abolir le conseil législatif, quand on est rendu sur les banquettes ministérielles, après avoir toujours combattu une telle mesure quand on était sur les bancs de l'opposition? Est-ce encore du patriotisme d'être aujourd'hui contre le chemin de fer du nord quand on a toujours travaillé pour le faire établir? (Écoutez! Écoutez!) Les membres du district de Québec avouent que le système permanent est bon; les membres du district de Montréal leur offrent de fixer le siège du gouvernement à Québec, et cependant ils le refusent. Est-ce là du patriotisme?

Mais il (M. T.) croit qu'il y a quelque chose là-dessous, car cela n'est pas naturel;--c'est qu'on n'est pas libre dans l'adminis[tra]tion, on craint de déplaire au maître.<sup>82</sup>

MR. CHAUVEAU.--Écoutez! Écoutez!<sup>83</sup>

MR. TURCOTTE ne dit pas cela pour l'hon. membre, parce qu'il sait qu'il n'a rien à faire avec le maître.--L'hon. membre pour Québec (M. Chabot) dit qu'il ne veut pas aller à Toronto, mais qu'il veut laisser fonctionner le système. Et en le laissant fonctionner, où irons-nous? À Toronto. Et si l'on vient à avoir une guerre, le gouvernement sera obligé de fuir de Toronto, et cela n'aura pas l'effet de rassurer le peuple.--Il termine en invitant les membres du district de Québec à dire pourquoi ils voteraient contre Québec, lorsque les membres du district de Montréal leur offrent de voter en sa faveur.<sup>84</sup>

The honorable gentleman was cheered during his speech by some person in the gallery, and MR. COM. CR. LANDS CAUCHON complained to the Speaker.<sup>85</sup>

MR. TURCOTTE, 'Tis an Irish cheer, not a Canadian.<sup>86</sup>

MR. COM. CR. LANDS CAUCHON ... [donne] une explication ... à propos des accusations portées contre lui par M. Turcotte<sup>87</sup>.

MR. SOL. GEN. D. ROSS had made up his mind how to vote. The hon. member said he would raise the District of Quebec.<sup>88</sup>

MR. TURCOTTE said he uttered nothing of the kind.<sup>89</sup>

MR. SOL. GEN. D. ROSS so understood the honorable gentleman. It was a blunder to have left such a question as this to the Legislative Assembly. Many members thought they must not vote against a particular locality. Members all sang the same song about Montreal, Quebec, &c.<sup>90</sup> [OR] about Anticosti, Quebec,

&c. They might have said in two or three words that they would sanction the seat of Government being at Quebec. Honorable members should be sincere. The motions were all in favor of Montreal. He had the greatest respect for the people of Montreal; but had no desire to go back to a city where the mob ruled. He thought that faith should be kept with the people of Toronto.<sup>91</sup>

(734)

*On motion of the Honorable Mr. Cameron, seconded by the Honorable Sir Allan N. MacNab,*

*Ordered, That the Debate be further adjourned until To-morrow.*

*Then, on motion of the Honorable Sir Allan N. MacNab, seconded by the Honorable Mr. Cameron,*

*The House adjourned.*<sup>92</sup>

[QUESTION AND ANSWER RE: IMPROVEMENTS BEING MADE ON OTTAWA RIVER.]

MR. EGAN [asked a question.]<sup>93</sup>

MR. COM. CR. LANDS CAUCHON said he could not tell at present whether the Ministry would construct a canal from the River Ottawa to Lake Chaudiere; also that until the supplies were granted, he could not tell if there would be any grant for opening roads on the Ottawa; also that the promises made to settlers on the Ottawa to place to their credit the duties on timber cut on their lands would be fulfilled and the cases were being investigated.<sup>94</sup>

[WITHDRAWN MOTION RE: ADDRESS FOR ENLISTMENT BOUNTY.]

MR. HINCKS moved that an humble address be presented to His Excellency the Governor General praying that he will be pleased to take into consideration the expediency of promising a grant of land not exceeding 100 acres to each individual who may enlist in this Province for service in the British army during the next twelve months. He said the proposition he desired to bring before the House was sufficiently explained in the motion itself. He had been induced to move in it by reading the debate which had taken place in the House of Commons respecting the willingness of certain parties in this Province to volunteer for service in the Crimea, and applications made for leave, one coming from an hon. member of that House. The impression had been certainly created in England that there was a disposition on the part of parties to serve in the war against Russia, and he was satisfied there were many willing to go out as officers<sup>95</sup>.

MR. HOLTON.--Officers! Aye, there is the rub. How many in other capacities would join the army!<sup>96</sup>

[MR. HINCKS continued:] How many could be found to serve in other capacities he did not know, but there were no doubt in this as in all other countries, numbers of men, with a penchant for military life. He thought, under the circumstances, considering the cause in which Britain was embarked, that it was as little as this country, possessed of so much unoccupied land, could do, to assist the Mother Country to the extent proposed. He was a believer in the propriety of giving the land on easy terms to the people<sup>97</sup>. The member for Haldimand (Mr. Mackenzie) went the length of saying that every one who desired to settle in the country, should be entitled to a lot of land.<sup>98</sup> The honorable gentlemen of the regular Opposition, say they believe that land only ought to be granted to such as actually settle upon it. To some extent he agreed with these honorable gentlemen, but soldiers were an exception, and there were exceptions to every general rule<sup>99</sup>. Gentlemen holding those views would surely go along with him in saying that the inducement might at all events be held out to those who embraced the British military service, for whatever term they might be enlisted.<sup>100</sup> They who having wasted their energies in early life, were less able to make their way through the world than those whose best days had been expended in commercial, agricultural or mechanical pursuits, and should be in a position to be entitled to a grant of land on leaving the army.<sup>101</sup> In many parts of the country just now the government gave lots to any who would go and take them, and it was therefore a very small boon indeed that he now asked for individuals willing to enter the army in the present struggle. He would only add that since he had given notice of his motion, he had had no opportunity of knowing how far it would meet the support of the House or the views of the



government, and he did not know whether Ministers were prepared to favor the proposition or not.<sup>102</sup> There was (sic) some doubts whether the grants should be of 100 or 50 acres, but if the House thought the latter quantity better, he had no objection to make the change.<sup>103</sup>

MR. PRES. EX. COUN. MACNAB.--Before the motion was put into the hands of the Speaker, would request the honorable member for Renfrew to withdraw it. He hoped the honorable member would do so. This House and Country deeply sympathized with the mother country in her struggle,<sup>104</sup> and [he] was prepared for his part to support any proposition to give any reasonable assistance in the present war, but<sup>105</sup> he doubted the propriety of offering a bounty to our young men as an inducement to leave the country.<sup>106</sup> (Hear, hear.)<sup>107</sup> He, at any rate, trusted that the Hon. member before pressing his motion, would give him an opportunity of consulting with his colleagues. For his own part, he was not prepared to say that it was expedient to give a bounty to persons on condition of their leaving the country.<sup>108</sup>

MR. MERRITT wished to know whether Government had it in their power to do this. Were not the unoccupied lands of the Province already appropriated by statute to the education of the youth of the country?<sup>109</sup>

MR. SICOTTE the SPEAKER read the motion.<sup>110</sup>

MR. PRES. EX. COUN. MACNAB believed that the Act of Parliament making that appropriation must be repealed or amended before the lands could be given for such a purpose. He believed the time had not yet arrived for such a step. The time might come when Canada would be called on to make sacrifices, and put forth all its power to assist the mother country in her glorious struggle.<sup>111</sup> The mother country did not at this moment expect any such assistance at our hands, but if ever the necessity should arise he was sure that the people of this country would not be backward in rendering it.<sup>112</sup> He considered the motion premature, and if the honorable gentleman would not withdraw if (sic), he hoped the House would not consent to it.<sup>113</sup>

MR. S. SMITH did not think it at all advisable to hold out premiums to induce the very best of our people to leave the Province, to serve in the army, while there was so considerable a demand for skilled and unskilled labour.<sup>114</sup> They should rather offer premiums for men to come and settle in the country.<sup>115</sup> If we had been asked to assist in the war, such a motion would have been, perhaps, proper enough, but our assistance had not been asked for.<sup>116</sup> This was the second step to get this country mixed up in wars, in which we might have some feeling but very little interest. The first step was the £20,000 vote, which he opposed at the time, although from prudential considerations it might perhaps have suited him better to have supported it.<sup>117</sup> While volunteering grants of land it might be expedient to go yet a step further, and signify our willingness to pay a fair share of the expenses of the war.<sup>118</sup> Now the hon. member for Renfrew went further and asked them to offer bounties for enlistment, and this on the back of the militia law, made it almost appear that the Province from a state of peace was getting into a state of war already.<sup>119</sup> Many, doubtless, are beginning to feel anxious to go the next step further and bear a share in the expenses of the war. The hon. member for Renfrew had not exercised his usual discernment and judgement in mooted this matter. His whole heart and soul seemed to be in the war. He spoke vehemently, and seemed to wish himself off to Sebastopol to fight the Russians. He thought that in their sober, second thoughts the people of Canada would not support such a motion.<sup>120</sup> He did not

know how it might be in other parts of the country, but he knew that many of his constituents had not looked favourably on that vote of £20,000, thinking the proper course was for County Councils to subscribe.<sup>121</sup>

MR. WILSON said that the Province was deeply indebted to England in many ways, and if necessity required their sympathy and support on England's behalf should not be wanting. He for one would be prepared for their doing anything which this Province ought to do in token of gratitude to England, and he would be prepared to do anything which England herself might think it right we should do. He could not, however, support this motion. Better give a bounty in cash at once, and there would be an end to it instead of having a number of indefinite claims set up for land.<sup>122</sup>

MR. GAMBLE said he had heard for the first time from the member for Northumberland that the propriety of the £20,000 vote had ever been questioned during the recess. (Hear, hear.)<sup>123</sup> On the contrary the people everywhere, by their municipal and private subscriptions had ratified and added to that grant.<sup>124</sup>

MR. CAMERON was afraid he must labour under the same charge of indiscretion as had been brought against the member for Renfrew, as he for one was strongly inclined that they should give some practical token of their sympathy with England in the present war. But in a matter of this sort they should proceed with the fullest deliberation.<sup>125</sup> In the first place there was the Act of Parliament appropriating the land standing in the way & before any corps should be raised he thought they should have some distinct information respecting the terms on which their services would be accepted.<sup>126</sup> If they were to raise men in this country for military service, they ought to constitute a corps exclusively Canadian. (Hear, hear.) It would be necessary also to know the conditions under which they were to serve, and particularly whether they would be officered by Canadian colonels, majors and captains, as well as lieutenants and subordinate officers.<sup>127</sup> He would be very glad if Canada could be of service to England.<sup>128</sup> If England desired to get a battalion or two officers from each section of this Province, she should intimate to us that desire, and the conditions under which she would receive their services. Without that, the House might be going too fast in adopting a motion such as that now submitted. In reference to the remarks of the member for Northumberland, he did not think there was any feeling against the £20,000 grant in any part of the country, except that represented by the hon. member. In Toronto, the reason of the smallness of the majority in favour of the Municipal grant was the feeling that the Legislature had acted properly in making a Provincial grant, and that that grant ought to be increased. Their real feelings of sympathy, however, to the mother country they had since amply evinced by their voluntary subscriptions to the Patriotic Fund, which in Toronto amounted now to £2,500. (Hear, hear.) The feeling which had been manifested throughout the country in reference to the Provincial Grant, and in subscribing otherwise in aid of the widows and orphans of those who had fallen in the war shewed that in this matter the heart of the people of Canada was in the right place. (Hear, hear.) And he was satisfied that, if in this our time of increasing prosperity and material strength for which we are much indebted to England, we should be called in England's need to go to her assistance either with money or by voting land bounties to those who might enlist in her service, and go to the Crimea as a Canadian corps embodied and officered under suitable regulations--he was satisfied that in such circumstances to such an appeal a satisfactory response would be made by this House and by the people of Canada. (Hear, hear.)<sup>129</sup>

MR. HOLTON was utterly opposed to any attempt to encourage men to leave the country and heartily concurred in the views which the hon. and gallant knight at the head of the Government had expressed on this point.<sup>130</sup> [He] was opposed to voting land bounties for this or for any other purpose. If circumstances should arise, in which they should feel called upon to encourage enlistment in the service of the Empire, it was infinitely better that they should give a money grant, than those land grants which had been productive of so much corruption and so much evil in this and in the neighbouring country. The member for Renfrew had alluded to the views of some honorable members as to the propriety of encouraging the settlement of the land by endowing every individual in the country with a homestead<sup>131</sup>. [He] could well understand why his hon. friend, the member for Toronto, could feel in favor of a proposition of this kind<sup>132</sup>, but that was a very different thing from the policy now recommended to the House, that of encouraging men to enlist by the promise of land, which would be immediately convertible in the market. The parties themselves would never think of settling the land but would hand it over to speculators, and we would have the old story over again of U.E. claims and militia scrip.<sup>133</sup> He was in favor of giving small portions of public lands to the landless, but only on the condition of settlement and improvement.<sup>134</sup>

MR. HINCKS was not disposed to press the motion. He had so informed the gallant Knight but a few minutes previously. But he had been desirous of eliciting the sentiments of the House.<sup>135</sup> The reason he had brought it forward was in consequence of discussions which had taken place in the House of Commons, and allusions that had been there made to propositions emanating from parties in this country, and particularly from an honorable member of this House (Mr. Rankin) in regard to raising a Provincial corps for service in the Crimea. It was not known by the English Government or by the English Parliament how far the individuals from whom those preparations had emanated, might be regarded as representing the public sentiment of this country. He had desired therefore, since the matter had been noticed in the Provincial Parliament, to elicit in regard to it the views of members of this House. Notwithstanding that he was accused of shewing a lamentable want of discretion in avowing himself favourable to the proposition he had submitted to the House, he must say that nothing had fallen from honorable gentlemen in the course of the debate which convinced him that he had taken up a wrong position. The bugbear held out about U.E. claims and militia scrip was entirely beside the question, because the idea had never entered his head of issuing scrip of that sort.<sup>136</sup> It had been objected by the member for Northumberland, that the motion made no reference to settlement, duty, &c., but he would remind the gentlemen that it was no part of his duty to bring down the details of a scheme.<sup>137</sup> That was a matter for future consideration by the Government and the House--an evil which might be prevented by legislation.<sup>138</sup> He had not gone into the details of the scheme at all, these being matters for after consideration. He could not understand the consistency of the honorable member for Montreal, who declared himself in favor of granting land to every landless man in the country, and yet objected to his proposition which was to do the same thing in certain cases, if it could not be done in all.<sup>139</sup> He was not prepared to say what amount of force there was in the argument of the hon. member for Toronto; but he was aware that at the present moment, notwithstanding the law, the Government was actually giving gratuitous grants of<sup>140</sup> 50 acres, and he could not see therefore that there would be any difficulty in carrying out his proposition so far as that went.<sup>141</sup> He (Mr. Hincks) was not aware that he had evinced any very warlike disposition. He had on a prior occasion spoken strongly upon the subject of Canadian sympathy in



the present war. He felt as strongly as he had spoken. He did not fear to say that he sympathized strongly with England in the present struggle. That he was justified in thus speaking had been amply proved by the response from the country. He believed that a more popular motion had never been made in all the Canadian Assembly. He would, with the consent of the House, withdraw the motion.<sup>142</sup>

After objections on the part of MR. AT. GEN. J.A. MACDONALD and MR. PAPIN subsequently the motion was withdrawn.<sup>143</sup>

MR. J.S. MACDONALD (Glengarry).--Objected to the withdrawal.<sup>144</sup>

MR. HINCKS expressed his astonishment that for the sake of a paltry triumph over him, the hon. member for Glengarry should exhibit such an extraordinary want of courtesy.<sup>145</sup>

MR. PRES. EX. COUN. MACNAB was astonished at the conduct of the Opposition. A greater want of courtesy he never saw exhibited in the House. The time for doing as the honorable member for Renfrew suggested, had not arrived, but it might arrive.<sup>146</sup> If the honorable member persists in his objection to the motion being withdrawn, I shall get rid of the difficulty by moving the previous question, i.e., shall the main question be now put.<sup>147</sup>

MR. WILSON.--I hope leave will be given to withdraw the motion. But it is amusing to see the member for Renfrew so afraid of being put in a false position, after the manner in which he tried to prevent me last night from explaining, when he conceived I had got myself into a similar false position. (Hear, hear.)<sup>148</sup>

MR. J.S. MACDONALD, (Glengarry).--It was made to appear that the administration knew nothing about the member for Renfrew's motion; and the gallant Knight, to keep up the delusion, moved the previous question, apparently to get rid of it.<sup>149</sup> It was very evident that the member for Renfrew having made some political capital by his motion for the £20,000 grant, had thought he might make some more by this. But, finding he was mistaken, he wished to withdraw it, and the gallant knight had shown great anxiety to enable him to do so. He (Mr. Macdonald) was rather disposed to yield his objection, and allow him to get out of the dilemma in which he had placed himself.<sup>150</sup>

MR. FERRIE agreed with the honorable and gallant Knight as to the present inexpediency of the measure, and thought that it ought to be withdrawn.<sup>151</sup>

MR. A. DORION (Montreal) said he had no doubt of the perfectly good understanding between the member for Renfrew and the gallant knight at the head of the administration, but by objecting to the withdrawal of the motion, his honourable friend from Glengarry had wished to elicit plainly to what extent that good understanding went. (Hear, hear.) Having gained that object, he presumed he would offer no further opposition to the motion being withdrawn.<sup>152</sup>

MR. PRES. EX. COUN. MACNAB.--Had not walked down to the desk of the honorable member for Renfrew, and knew nothing about that member's motives in making it.<sup>153</sup>

MR. A. DORION said there was an understanding.<sup>154</sup>

MR. COM. CR. LANDS CAUCHON.--The member for Montreal, if he had had as much parliamentary experience as some members of the House, would not have hazarded such a remark. He had not yet made much political capital himself.<sup>155</sup>



MR. POWELL.--Very little fault was to be found with the Opposition for the course they had taken. After the humiliating defeats which they had sustained, it was natural for small minds to seek to take advantage of a small success. Their present course was in every way worthy of them.<sup>156</sup>

MR. LARWILL thought the proposition would be very profitable if the grant was confined to colored people.<sup>157</sup>

MR. HINCKS was allowed to withdraw his motion.<sup>158</sup>

[WITHDRAWN MOTION RE: ADDRESS FOR PENSIONS OF MILITIAMEN.]

DR. T. FORTIER, of Nicolet, moved for an address to his Excellency the Governor General, praying the enforcement of the Act, 48 Geo. iii., chap. 1, and 56 George iv., chap. 10, regulating the pensions of wounded or infirm militiamen in Her Majesty's service during the last war, between the British Empire and the United States. He said that when the country was ruled with a rod of iron, when tyranny and despotism prevailed, the English and French populations of Lower Canada were encircled with but one laurel on the field of battle. While in Lower Canada there were two races of people, Upper Canada was as one family helping one another. A foolish jealousy (sic) existed in Lower Canada between the two races, the French Canadians being always cast aside, and the oligarchical party governed. But a small broil<sup>159</sup> [OR] evil<sup>160</sup> in Montreal brought about a change. Now, the French Canadian population could enter a public office without being "curse for damn." It was well for Upper Canada members to say that we have settled our claimes (sic). Lower Canadian claims had not been settled.<sup>161</sup>

The Government promised the matter consideration, and the motion was then withdrawn.<sup>162</sup>

[POSTPONED MOTION RE: SEIGNORIAL TENURE ACT.]

MR. PAPIN propose que les différentes requêtes, présentées à cette chambre pendant la présente session et demandant des amendements à l'acte seigneurial de 1854, soient renvoyées à un comité spécial de sept membres composé des honorables MM. Drummond et Lemieux, de MM. Taché, Turcotte, Masson, Laberge et Papin, avec instruction de faire rapport sur les amendements qu'il convient de faire à la dite loi.<sup>163</sup>

MR. AT. GEN. DRUMMOND s'oppose à la motion. Le gouvernement a déjà dit qu'il avait pris en considération l'avantage qu'il y aurait à faire des amendements à cette loi. Des commissaires ont été nommés pour faire des cadastres, et ils feront un rapport sur les amendements qu'il sera nécessaire de faire, et le gouvernement attend ce rapport pour se décider sur les amendements qu'il aura à faire.

Ces explications doivent suffire pour que l'hon. membre retire sa motion.<sup>164</sup>

MR. PAPIN demande si le rapport des commissaires sera mis devant la chambre.<sup>165</sup>

MR. AT. GEN. DRUMMOND dit que non, parce que ce rapport sera fait par lettres privées qui désigneront les amendements à faire. Dans quelques jours le gouvernement pourra dire quand il sera prêt à faire ces amendemens.<sup>166</sup>

MR. PAPIN remet alors sa motion à huit jours.<sup>167</sup>

FOOTNOTES: 22 MARCH 1855.

1. GLOBE, 30 March 1855, also reports this JOURNAL item of, "Mr. Dorion (Drummond) presented a petition from the inhabitants of Drummond praying for measures to be taken to prevent the commutation provisions of the Clergy Reserves Act from being carried out." The newspaper account ends with "(Hear, hear.)"
2. LE PAYS, 29 March 1855.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. GLOBE, 31 March 1855.
9. LE PAYS, 29 March 1855.
10. GLOBE, 31 March 1855.
11. MORNING CHRONICLE, 24 March 1855.
12. GLOBE, 31 March 1855.
13. MONTREAL GAZETTE, 27 March 1855.
14. GLOBE, 31 March 1855.
15. MONTREAL GAZETTE, 27 March 1855.
16. GLOBE, 31 March 1855.
17. MORNING CHRONICLE, 24 March 1855.
18. GLOBE, 31 March 1855.
19. IBID.
20. TORONTO DAILY LEADER, 28 March 1855.
21. GLOBE, 31 March 1855.
22. MORNING CHRONICLE, 24 March 1855.
23. GLOBE, 31 March 1855.
24. MORNING CHRONICLE, 24 March 1855.
25. GLOBE, 31 March 1855.
26. TORONTO DAILY LEADER, 28 March 1855.
27. GLOBE, 31 March 1855.
28. MORNING CHRONICLE, 24 March 1855.
29. GLOBE, 31 March 1855.
30. MORNING CHRONICLE, 24 March 1855.
31. GLOBE, 31 March 1855.
32. MORNING CHRONICLE, 24 March 1855.
33. GLOBE, 31 March 1855.
34. MORNING CHRONICLE, 24 March 1855.
35. GLOBE, 31 March 1855.
36. MORNING CHRONICLE, 24 March 1855.
37. GLOBE, 31 March 1855 (in Scrapbook Hansard). Since GLOBE, 31 March 1855 is illegible at this point in the debate, Scrapbook Hansard has been used to complete Mr. Brown's speech.
38. LE PAYS, 29 March 1855.
39. TORONTO DAILY LEADER, 28 March 1855.
40. MORNING CHRONICLE, 24 March 1855.
41. MORNING CHRONICLE, 24 March 1855. HAMILTON SPECTATOR, 31 March 1855, and TORONTO DAILY LEADER, 28 March 1855, report that in 1849, the vote on the resolution to introduce ambulatory parliament was Yeas, 35; Nays, 29. According to the JOURNALS of 1849, page (321), the vote on the question for

this address was Yeas, 34; Nays, 29. MONTREAL GAZETTE, 27 March 1855, reports these same figures. The address was then voted on JOURNAL page (322) as Yeas, 33; Nays, 25.

42. TORONTO DAILY LEADER, 28 March 1855.
43. MORNING CHRONICLE, 24 March 1855.
44. GLOBE, 31 March 1855.
45. MORNING CHRONICLE, 24 March 1855.
46. LE PAYS, 29 March 1855.
47. MORNING CHRONICLE, 24 March 1855.
48. TORONTO DAILY LEADER, 28 March 1855.
49. MORNING CHRONICLE, 24 March 1855.
50. LE PAYS, 29 March 1855.
51. MORNING CHRONICLE, 24 March 1855.
52. IBID.
53. GLOBE, 31 March 1855.
54. MORNING CHRONICLE, 24 March 1855.
55. GLOBE, 31 March 1855.
56. MORNING CHRONICLE, 24 March 1855.
57. TORONTO DAILY LEADER, 28 March 1855.
58. GLOBE, 31 March 1855.
59. TORONTO DAILY LEADER, 28 March 1855.
60. IBID.
61. IBID.
62. HAMILTON SPECTATOR, 31 March 1855.
63. GLOBE, 31 March 1855.
64. MORNING CHRONICLE, 24 March 1855.
65. MONTREAL GAZETTE, 27 March 1855.
66. MORNING CHRONICLE, 24 March 1855.
67. GLOBE, 31 March 1855.
68. MONTREAL GAZETTE, 27 March 1855.
69. MORNING CHRONICLE, 24 March 1855.
70. LE PAYS, 29 March 1855. The ellipsis represents illegible words.
71. LE PAYS, 29 March 1855.
72. IBID.
73. GLOBE, 31 March 1855.
74. IBID.
75. IBID.
76. LE PAYS, 29 March 1855.
77. IBID.
78. IBID.
79. IBID.
80. IBID.
81. IBID.
82. IBID.
83. IBID.
84. LE PAYS, 29 March 1855. It is not clear at what point in the debate Mr. Cauchon complained about the cheering which occurred during the course of Mr. Turcotte's speech. It is reported by MORNING CHRONICLE, 24 March 1855 and TORONTO DAILY LEADER, 28 March 1855, which is a copy; however, neither newspaper carries more than three lines of Mr. Turcotte's speech. The complaint is placed here so as not to interrupt the lengthy account in LE PAYS, 29 March 1855.

85. MORNING CHRONICLE, 24 March 1855.
86. IBID.
87. LE PAYS, 29 March 1855.
88. MORNING CHRONICLE, 24 March 1855.
89. IBID.
90. IBID.
91. TORONTO DAILY LEADER, 28 March 1855.
92. GLOBE, 31 March 1855 reports the House adjourned "about midnight."
93. MORNING CHRONICLE, 23 March 1855.
94. IBID.
95. MORNING CHRONICLE, 26 March 1855.
96. HAMILTON SPECTATOR, 31 March 1855.
97. MONTREAL GAZETTE, 27 March 1855.
98. GLOBE, 30 March 1855.
99. HAMILTON SPECTATOR, 31 March 1855.
100. GLOBE, 30 March 1855.
101. HAMILTON SPECTATOR, 31 March 1855.
102. GLOBE, 30 March 1855.
103. MONTREAL GAZETTE, 27 March 1855.
104. HAMILTON SPECTATOR, 31 March 1855.
105. MORNING CHRONICLE, 26 March 1855.
106. HAMILTON SPECTATOR, 31 March 1855.
107. GLOBE, 30 March 1855.
108. HAMILTON SPECTATOR, 31 March 1855.
109. MONTREAL GAZETTE, 27 March 1855.
110. HAMILTON SPECTATOR, 31 March 1855.
111. MORNING CHRONICLE, 26 March 1855.
112. GLOBE, 30 March 1855.
113. HAMILTON SPECTATOR, 31 March 1855.
114. IBID.
115. MORNING CHRONICLE, 26 March 1855.
116. HAMILTON SPECTATOR, 31 March 1855.
117. GLOBE, 30 March 1855.
118. HAMILTON SPECTATOR, 31 March 1855.
119. GLOBE, 30 March 1855.
120. HAMILTON SPECTATOR, 31 March 1855.
121. GLOBE, 30 March 1855.
122. IBID.
123. IBID.
124. MORNING CHRONICLE, 26 March 1855.
125. GLOBE, 30 March 1855.
126. MORNING CHRONICLE, 26 March 1855.
127. GLOBE, 30 March 1855.
128. HAMILTON SPECTATOR, 31 March 1855.
129. GLOBE, 30 March 1855.
130. MORNING CHRONICLE, 26 March 1855.
131. GLOBE, 30 March 1855.
132. HAMILTON SPECTATOR, 31 March 1855.
133. GLOBE, 30 March 1855.
134. MORNING CHRONICLE, 26 March 1855.
135. HAMILTON SPECTATOR, 31 March 1855.
136. GLOBE, 30 March 1855.



137. HAMILTON SPECTATOR, 31 March 1855.
138. MORNING CHRONICLE, 26 March 1855.
139. GLOBE, 30 March 1855.
140. HAMILTON SPECTATOR, 31 March 1855.
141. GLOBE, 30 March 1855.
142. HAMILTON SPECTATOR, 31 March 1855.
143. MORNING CHRONICLE, 26 March 1855. MONTREAL GAZETTE, 27 March 1855, is partially identical to the earlier account of MORNING CHRONICLE, 26 March 1855; however, it reports that the objections were "on the part of Mr. J.S. MacDonald", as opposed to reporting Mr. At. Gen. J.A. MacDonald. The lengthier accounts of TORONTO DAILY LEADER, 28 March 1855, GLOBE, 30 March 1855, and HAMILTON SPECTATOR, 31 March 1855 carry the remaining debate, but in no case is Mr. At. Gen. J.A. MacDonald reported. As the reader will note, Mr. J.S. MacDonald did make an objection (footnote 144).
144. HAMILTON SPECTATOR, 31 March 1855.
145. GLOBE, 30 March 1855.
146. HAMILTON SPECTATOR, 31 March 1855.
147. GLOBE, 30 March 1855.
148. IBID.
149. HAMILTON SPECTATOR, 31 March 1855.
150. GLOBE, 30 March 1855.
151. HAMILTON SPECTATOR, 31 March 1855.
152. GLOBE, 30 March 1855.
153. HAMILTON SPECTATOR, 31 March 1855.
154. IBID.
155. IBID.
156. IBID.
157. Telegraph (GLOBE, 23 March 1855). It is not clear at what point in the debate Mr. Larwill spoke since this comment is reported in Telegraph accounts only, and not in the major newspaper accounts. It has been placed here to avoid interrupting the order of speakers.
158. GLOBE, 30 March 1855.
159. HAMILTON SPECTATOR, 31 March 1855.
160. TORONTO DAILY LEADER, 28 March 1855.
161. HAMILTON SPECTATOR, 31 March 1855.
162. HAMILTON SPECTATOR, 31 March 1855. Telegraph (GLOBE, 23 March 1855), and all other papers which carry this item, report the "Motion carried." Since it cannot be found in the JOURNALS, nor the Index to the JOURNALS, it is more likely that the motion was withdrawn.
163. LE PAYS, 29 March 1855.
164. IBID.
165. IBID.
166. IBID.
167. IBID.

FRIDAY, 23 MARCH 1855.

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MR. Speaker laid before the House,--Return of the affairs of the Ontario Marine and Fire Insurance Company, for the year 1854.

For the said Return, see Appendix (E.E.)

And also, Return of the Affairs of the St. Lawrence and Industry Village Railroad, for the year ending 31st December, 1854.

For the said Return, see Appendix (F.F.)

The following Petitions were severally brought up, and laid on the table:--

By Mr. Terrill,--The Petition of Ichabod Smith and others; and the Petition of Charles C. Colley and others, residents in the Eastern Townships.

By Mr. Murney,--The Petition of G. Benjamin, Chairman, and E. Murney, on behalf of a meeting of the Inhabitants of the North Riding of the County of Hastings.

By Mr. Christie,--The Petition of the Municipality of the Village of Paris; and the Petition of the Municipality of the Township of Brantford, in the County of Brant.

By Mr. Somerville,--The Petition of Stephen H. Schuyler and Thomas Crawford, of the Village of Huntingdon, in the County of Huntingdon, Traders.

By Mr. Langton,--The Petition of Peter Pearce, Reeve, and others, Town Councillors, of the United Townships of Asphodel, Belmont, and Methuen.

By Mr. Octave Cyrille Fortier,--The Petition of the Reverend N.C. Fortier, Curé, and others, Founders of the College of St. Michel, in the County of Belle-

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chasse; and the Petition of the Reverend N.C. Fortier, Curé, and others, School Commissioners of the Village of St. Michel de Bellechasse.

By Mr. Chapais,--The Petition of R. Michaud and others, School Commissioners of the School District of St. Alexander, County and District of Kamouraska.

By Mr. Fournier,--The Petition of O.E. Casgrain, President, and others, Directors, and others, of the Agricultural Society of the County of L'Islet; and the Petition of P.A. DeGaspé, Esquire, and others, of St. Jean Port Joli and other places, in the County of L'Islet.

By Mr. Laporte,--The Petition of the Reverend F.P. Porlier, Curé, and others, Churchwardens, and others, of the Parish of Pointe aux Trembles, District of Montreal.

By Mr. Brown,--The Petition of James Smith, senior, and others, of the County of Lanark.<sup>1</sup>

By the Honorable Mr. Cayley,--The Petition of the Reverend C. Silvester and others, of Wawanosh, Ashfield and Colborne; and the Petition of Alexander McNabb, Reeve, of the Township of Saugeen, and others, of the County of Bruce.

By Mr. Mackenzie,--The Petition of J.B. Powell and others, of the County of Leeds; and the Petition of Peter Cole and others, of the County of Leeds.

MESSRS. BROWN and MACKENZIE presented a number of petitions from the counties of Leeds, Lanark, &c., praying that the commutation clause of the Clergy Reserve Act should not be carried into effect.<sup>2</sup>

MR. PRES. EX. COUN. MACNAB examined them carefully, and remarked that they were printed, and he presumed it would be the same thing from all parts of the country.<sup>3</sup>

MR. BROWN.--Yes! I have no doubt they will come in from all parts of the country. (Hear, hear.) The feeling against the commutation scheme is intense everywhere.<sup>4</sup>

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By Mr. Masson,--The Petition of C.J. Forbes, Esquire, and others, Electors of the County of Argenteuil.

By Mr. Lyon,--The Petition of William Mackey and others, freeholders of the Township of Marlborough.

By Mr. Church,--The Petition of John S. French and others, of the Village of Burrith's Rapids, Township of Oxford, in the County of Grenville.

Pursuant to the Order of the day, the following Petitions were read:--

Of A. Beauvais and others, Members of the Literary Society of the Village of Laprairie, in the District of Montreal; praying for an aid.

Of the Reverend C.L. Vinet and others, School Commissioners, and others, of the Parish of St. Constant, County of Laprairie, District of Montreal; praying for an aid for the erection of a new School-house.

Of John Macara and others, Stockholders in the Canada Powder Company; praying for an Act of Incorporation.

Of the Soeurs de la Congrégation de Notre-Dame de Montréal, Directresses of the Convent of St. Eustache, District of Montreal; praying for an aid.

Of the Right Reverend the Lord Bishop, the Clergy, and Laity of the United Church of England and Ireland, of the Diocese of Quebec; praying for certain amendments to the Act 16 (sic) Vic. cap. 32.<sup>5</sup>

Of Allan Macdonell and others, of the City of Toronto; praying for an Act of Incorporation to construct a Railway from any part of the shores of Lake Superior to the Pacific Ocean.

Of the Reverend Norbert Lavallée, Superior of Laval College; praying for an aid.

Of Pierre Paré and others, Members of the Mechanics Institute of St. Vincent de Paul, County of Montreal; praying for an aid.

Of J.G. Wilson, Reeve, and others, of the Town of Simcoe; praying that no change be made in the present name of the Town of Simcoe.

Of the Municipal Council of the County of Quebec; praying for certain alterations in the administration of the Quebec Turnpike Roads.

Of William Wilkinson and others, of the Township of Lobo,--and of the Municipality of the Township of Sarnia; praying for the passing of a Prohibitory Liquor Law.

Of David Parish, Chairman, and Charles Roe, Secretary, on behalf of a Public Meeting of the Inhabitants of the Town of St. Thomas; praying that the Bill to

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incorporate a Company to construct a Road from Amherstburg, on the Detroit River, until it intersects the different lines leading to the Niagara River, and for other purposes, may become Law.

Of Edouard Martial Leprohon, Esquire, of the City of Montreal; praying for certain amendments to the Act 11 & 12 Vic. cap. 99 (sic).<sup>6</sup>

Of A. Painchaud and others, Shipowners and Merchants interested in the Fishing Trade of the Gulf of St. Lawrence; praying that a Resident Judge may be appointed, with power to hold two Terms for the dispatch of Civil Causes in Summer, and one Session of the Peace, and also, that a Gaol may be built, in the Magdalen Islands.

Of Benoit Marcoux, of the City of Quebec, Joiner; representing that while employed at Spencer Wood, he met with an accident which has disabled him for life, and praying relief.

Of the Reverend R.O. Bruneau, Curé, President of the College of Verchères; praying for an aid.

Of Peter Gibbons and others, Merchants, and others, of Port Colborne; and of Messieurs Vanderlip and Lacey, and others, Merchants and Traders, and others, of the Village of Port Robinson; praying for the passing of an Act making Vessels, while passing through the Welland Canal, holden for stores and provisions obtained from merchants.

Mr. Gamble moved, seconded by Mr. Gould, and the Question being put, That so much of the 67th Rule of this House as relates to the Bill to renew the Charter of the Humber Harbour Company, be suspended; the House divided: and the names being called for, they were taken down, as follow:--

## YEAS.

Messieurs Aikins, Bellingham, Burton, Cayley, Chapais, Chisholm, Christie, Clarke, Cooke, Darche, DeWitt, Attorney General Drummond, Egan, Octave C. Fortier, Gamble, Gill, Gould, Holton, Jackson, Langton, Larwill, Macbeth, Mattice, Meagher, Rhodes, Scatcherd, Shaw, Spence, Terrill, Thibaudeau, Whitney, and Wright.--(52.)

## NAYS.

Messieurs Bell, Blanchet, Bourassa, Brodeur, Brown, Cameron, Cauchon, Chabot, Church, Cook, Jean B.E. Dorion, Dostaler, Foley, Frazer, Guévremont, Hartman, Laberge, Laporte, LeBoutillier, Lyon, John S. Macdonald, Mackenzie, Sir A.N. MacNab, Marchildon, Munro, Murney, Papin, Patrick, Poulin, Prévost, Rolph, Solicitor General Smith, Sidney Smith, Turcotte, Valois, and Young.--(36.)

So it passed in the Negative.

On motion of Mr. DeWitt, seconded by Mr. Frazer,

Ordered, That the Amendments made by the Legislative Council to the Bill, intituled, "An Act to amend so much of any Law in force in Lower Canada as authorizes the sale of any property by the authority of Justice on Sundays," be taken into consideration on Monday next.

Mr. Felton reported from the Select Committee on the Bill to increase the number of Sittings of the Courts of Justice within the District of St. Francis,

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and to make a more convenient arrangement thereof, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Monday next.

Ordered, That the Petition of the Municipal Council of the County of Kent, relating to Land Patents, and the Petition of the Municipal Council of the County of Kent, relating to the Niagara and Detroit Railroad, be printed for the use of the Members of this House.

Ordered, That the Return relative to the Montreal Harbour, presented the 1st December last, be printed for the use of the Members of this House.

Ordered, That the Petition of John Hay, Esquire, and others, Electors of the County of Argenteuil, with the signatures attached thereto, be printed for the use of the Members of this House.



*Ordered, That Mr. Felton have leave to bring in a Bill to constitute the Electoral Counties of Sherbrooke and Wolfe into separate Registration Districts, and to establish Registry Offices therein, and for other purposes.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Terrill have leave to bring in a Bill to revive and continue in force the Provincial Statute 14 & 15 Vic. cap. 18, to enable Creditors to attach the effects of Debtors about to leave the Province, in cases under Ten pounds.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.<sup>7</sup>*

*Ordered, That Mr. Ferres have leave to bring in a Bill to establish the County of Brome for Municipal, Registration, and other purposes.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*On motion of Mr. Ferres, seconded by Mr. Sanborn,*

*Resolved, That an humble Address be presented to His Excellency the Governor General, for a Return of the amounts paid to the Harbour Commissioners of Montreal, by way of commutation for Harbour Dues, by any Railway Company, Steamboat Company, or Individuals, on Goods landed by them on the Wharves of the said Commissioners.*

*Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.*

[On motion of] MR. CHISHOLM<sup>8</sup>,

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*Ordered, That the 62nd Rule of this House be suspended, as regards the Petition of John Macara and others, Stockholders in the Canada Powder Company.*

*Ordered, That Mr. Chisholm have leave to bring in a Bill to incorporate the Canada Powder Company.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

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*Ordered, That Mr. Gill have leave to bring in a Bill for annexing the Gore of Upton to the County of Yamaska.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.*

MR. INSP. GEN. CAYLEY introduced his bill to secure a more efficient audit of public accounts. Much blame had been bestowed upon members of the Government owing to the difficulty which had occurred in the auditing of public accounts. The blame was not merited. The difficulty had arisen from the accumulation of business in the Department, while the staff have not been increased in a similar proportion. It was utterly impossible that the work could be efficiently

performed when the staff was not sufficient. There were two evils that arose from the present system. Parties were blamed who did not deserve blame, and the accounts were kept in a slovenly manner. He thought there should be kept an appropriation book in which a record of all acc'ts should be kept. This book should be regularly written up, and a person should be appointed for the purpose. Heretofore this work had been done by a clerk during business hours, or after the regular business hours of the office. He proposed in his bill to establish another branch to be called an audit branch which with the other two branches, the Customs' and Deputy Inspector General's ... [would] form a Board of audits. There would be one auditor as the head of the audit branch who would be equal in point of rank with the head of the Customs and Deputy Inspector General. The audit branch would be called upon to audit the accounts of the Crown Lands, Board of Works, and Bureau of Agriculture. Another thing that was much wanting was a more efficient system of entry for debentures. The debenture book had actually fallen in arrears a year. There ought to be an efficient one in the Receiver General's, and another in the Inspector General's Department, not the one a copy of the other but both drawn from the same sources. All monies would be required to be sent to the Receiver General's Department. Under the present system monies were paid into the Crown Lands office. But he thought there ou[ght] to be one department for the reception of monies. A difficulty, however, occurred, with regard to the Post Office Department. He had considered with his hon. friend the Post Master General, and was informed that, owing to the very small balances<sup>9</sup> [OR] allowances<sup>10</sup> remitted to the Department it would be impossible to carry out the arrangements.<sup>11</sup> He stated that the Bill would also provide that every institution deriving its whole support from the public Treasury, should send in returns of its affairs once a quarter. Educational institutions, receiving part of their support from the Government, would send in, yearly, full reports of their condition, management, and progress, accompanied by such statistical returns as should be called for by the Government, in reference to the composition of the governing body, the number and names of the professors, teachers, and lecturers; the number of pupils taught, distinguishing those above and below sixteen years of age, the general course of instruction, the books used, the annual cost of maintaining the institution, &c.<sup>12</sup>

MR. A. DORION (Montreal) said that this was a measure which the country would receive with satisfaction, if the details of it answered to the purpose aimed at by the Inspector-General. Some such measure was loudly called for, after the disclosures made by the Committee on Public Accounts, which had very much alarmed the public at the way in which the accounts of the Province had been kept. (Hear, hear.)<sup>13</sup> He did not mean to throw any blame whatever on the hon. the Inspector General. He had himself sufficiently and satisfactorily explained the cause of it. But what had been brought to light in the examination of the public accounts appeared to render a more efficient auditing of the public accounts absolutely necessary. The hon. gentlemen composing the Committee of public accounts and particularly the president of that committee,<sup>14</sup> Mr. Mackenzie<sup>15</sup>, the hon. member who sat on his right, deserved the deepest thanks of the House and of the Country for the application which they had brought to bear in the discharge [of] their onerous duties. The report of the committee on public accounts contrasted most favorably with the reports of other committees appointed for the same purpose. It was due to the talent, energy, and industry of the hon. member for Haldimand to say that he deserved the praise of the whole country for his report. Were it only public document that the hon.

member had framed he might reflect with pride upon the service which he had rendered to the Province. He thought the measure conducive to the public good and that the ministry deserved credit for the bill.<sup>16</sup>

MR. HOLTON joined his hon. colleague in commending the promptitude with which the Inspector-General had set himself to the work of departmental reform, the necessity for which had been so clearly shown by the Committee on Public Accounts. But the Inspector-General could not fail to see that, in introducing this bill, he was commenting with the utmost severity on the gross mismanagement of all the departments of the Government under his immediate predecessors, who now formed the main support of the Administration. (Hear, hear.) The Inspector-General deserved credit for being bold enough to run the risk of incurring obloquy at the hands of those gentlemen. He must also commend the hon. Commissioner of Crown Lands for the haste with which he had retraced his false step in opposing the bill of Mr. Darche requiring the very returns, now comprised in this bill, from the educational institutions of the country. (Hear, hear.) This was another instance of the progress that Conservative gentlemen were making in the right direction; and it was but fair that the opposition, which had so often criticized their conduct when it was wrong, should take every opportunity of encouraging them, and even of complimenting them, when they showed any desire to do what was right. (Hear, hear.)<sup>17</sup>

MR. HINCKS said he supposed he was above all others alluded to by the hon. member for Montreal (Mr. Holton), when he spoke of the Inspector-General incurring obloquy on account of the bill now introduced, but he could assure the Inspector General as well as the House that he would incur no obloquy from him on account of any effort he might make to improve the public departmental system. He denied altogether that the bringing down of this bill was any proof of gross mismanagement on the part of the late Government. He might as well say that it was a proof of gross mismanagement on the part of the Inspector General when formerly in office, when the same system existed and he introduced no bill to remedy it. His own feeling was one of gratification that the proposition of the Inspector General seemed likely to receive the support of the House<sup>18</sup> [and] the opposition side of the House in the spirit in which it ought.<sup>19</sup> At the same time he was not prepared to admit that the hon. member for Montreal was justified in speaking in so very strong terms about the gross irregularities brought to light by the Committee on Public Accounts. One would have supposed from the report of that committee that there had been an irregularity in the keeping of the public accounts of the most monstrous description. He was not at all prepared to admit that this was the case, for since the period that he (Mr. H.) went into office, all the transactions of the Government were every week accurately compared between the Receiver General's and Inspector General's departments, and the cash balances being found to be correct, every transaction was in that way verified, and if the books of the Receiver General happened to be destroyed, a record of every transaction would remain in the Inspector General's office. Every transaction which had taken place in the government of this country for this last eight or ten years, was as regularly entered and balanced, and the books were as regularly kept as those of any merchant in this Province, he cared not who he was.<sup>20</sup> Even [with] the plan of keeping a separate set of books in each office--confusion may arise: different book-keepers kept books in different ways. He believed that there was not an hon. gentleman in the House that did not wish to see the public accounts kept in an efficient state.<sup>21</sup>



MR. YOUNG.--The hon. member for Renfrew has said that if the books of the Receiver General were destroyed, a record of each transaction would remain in the Inspector General's office. I will mention one important instance discovered by the Committee of Public Accounts, as to which that statement will not hold good. A large lot of debentures were sent from this country to England, to Baring, Brothers, & Co., and Glynn, Mills, & Co. Those parties should have been made debtors for the amount transmitted from this country, and the transaction was so entered in the Receiver General's books. But in the Inspector General's office, the debentures were debited to the Grand Trunk Company, which was a mistake, and if the Receiver General's books had been destroyed, the public could have arrived at no correct idea of the transaction, from simply seeing the public accounts issued from the Inspector General's office. (Hear, hear.)<sup>22</sup>

MR. HINCKS said there was no practical difference between the two entries, the debentures in question having been issued on account of the Grand Trunk Railway Company, and on the security of the bonds of the Company. The debentures were sent to Glynn, Mills & Co. to be transferred to the Grand Trunk Company, as they became entitled to them, and they were accordingly in the one instance credited to Glynn, Mills & Co., and in the other to the Grand Trunk Company, which came precisely to the same thing.<sup>23</sup>

MR. YOUNG would not admit that it was all the same thing. The debentures did not belong to the Grand Trunk Company till they had performed a certain amount of work, and Glynn, Mills & Co., the London agents, were bound to keep them in trust until they received orders from the Canadian Government to pay them over. (Hear, hear.) Instead of the whole amount being entered at once to the Grand Trunk Company, the Inspector General's books should have always shown the amount of debentures actually paid at different periods to the Company, who were only entitled to them as the work progressed. (Hear, hear.)<sup>24</sup>

MR. HINCKS persisted that it was only a different way of making an entry, which amounted to just the same thing. Besides, it so happened that the entry which the hon. member said was the correct one was made in the Receiver General's department, on which the whole blame was cast by the Committee on Public Accounts. The other entry which he said was incorrect was made by Mr. Dickinson, than whom there was not a better book-keeper to be found in the Province. Mr. Hincks then proceeded to comment on a portion of the committee's report, alluding to an error of £10,000 in a balance sheet prepared by Mr. Dickinson, which they afterwards discovered to be<sup>25</sup> a correct one except a mere clerical error in totting up the multitude of figures<sup>26</sup> but which they had nevertheless published to the world. The conduct of the committee he characterized as a mean attempt to destroy the character of Mr. Dickinson, by fastening on him a most unjust imputation, which they had not given him an opportunity to explain.<sup>27</sup> He would support the motion.<sup>28</sup>

MR. MACKENZIE explained the circumstances of the case referred to by Mr. Hincks. In the balance sheet from the Inspector General's office, an error of £10,000 was found in the addition, the sum totals being nevertheless made a balance. Learning that Mr. Dickinson was the responsible party, he went and asked for him at the office to obtain an explanation, but did not find him there. He went a second time, but again failed to find him. Being much pressed for time towards the close of the session, having a thousand things to do in the way of figures besides attending to his duties in the House, and being completely worn out, he did not prosecute the enquiry further, and in the Report



passed by the Committee it was stated that there was an apparent error of \$10,000 in the balance sheet. Subsequently, when the Report was being printed, and most of the members of the committee had left town, he learned that Mr. Dickinson's absence from the office had been caused by a domestic affliction. He accordingly called upon him, and received the explanation that he had made out the figures correctly in the first instance, and that the mistake had occurred from the mere clerical error of the party to whom he had given the figures to fill in. Mr. Dickinson therefore desired him to strike out the paragraph from the report. He said he could not do that, as the report had been approved of by the committee, most of the members of which had left town, but that with the consent of the remaining members he would add a note, that Mr. Dickinson's course had been quite correct, and that there had merely been an error in copying. This he had done, and the note appeared in the report on the same page as the paragraph complained of. (Hear, hear.) He would take this opportunity of denying that he had been the most efficient member of the committee. The labours of the member for Montreal (Mr. Young) were beyond all praise, and not only he but every member of it had done everything possible to prosecute the enquiry in a manner that would be for the public benefit. He had never sat on a more harmonious committee. They had done the best they could, and as for wishing in anything they did to hurt the feelings of any individual, such a thing was the farthest possible from their thoughts.<sup>29</sup>

MR. HOLTON.--It was quite in accordance with the tactics of the honorable member from Renfrew to raise a paltry quibble to cover an attack. He did not always succeed; and the contemptible quibble of pretending to defend a gentleman on the plea of injustice having been intended towards him will not succeed.<sup>30</sup> He (Mr. Holton) should take care that the matters contained in this Report should engage the attention of the House in the form of a substantial motion before many days went round.<sup>31</sup> He considered it due to Mr. Dickinson, whom he reckoned as a personal friend, to say that he was one of the most able and correct accountants in the province, and was a most upright man. The strictures in the Report have reference more particularly to other departments than the Inspector General's.<sup>32</sup>

MR. GAMBLE, as a member of the Committee on Public Accounts, could not sit quietly still under the charge of having meanly attacked the character of any one. Would the House tolerate the member for Renfrew in speaking as he had done of that committee, who had been engaged in the investigation patiently day after day, and week after week, the result being that they had found there were ample grounds for an enquiry into those accounts. Were they to be told that the Report of the Committee was mere clap-trap, when they submitted evidence to the public that the accounts in the Receiver General's department had never been balanced, when they had the evidence of Mr. Dickinson himself that the manner of conducting the public business generally was most discreditable and disreputable, and when they found that the accounts in the Receiver General's office had been kept in a way that would not be tolerated in any counting-house in Canada. (Hear, hear.)<sup>33</sup>

MR. FERRIE as a member of the public accounts committee repudiated the very idea of an attack upon character as contained in the report. The assertion was a piece of insolence on the part of the hon. member for Renfrew.<sup>34</sup>

MR. ROBLIN.--It was well known that the statement was injurious to Mr. Dickinson, who had been lauded over Upper Canada.<sup>35</sup>

The motion was then agreed to, and the Bill read a first time.<sup>36</sup>

(738)

*Ordered, That the Honorable Mr. Cayley have leave to bring in a Bill to secure the more efficient auditing of the Public Accounts.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.*

*A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--*

*Mr. Speaker,*

*The Legislative Council do give leave for the Honorable Etienne Paschal Taché, one of its Members, to attend and give evidence before the Special Committee of this House appointed to enquire into charges against the late Administration, if he thinks fit.*

*And then he withdrew.*

MR. POST. GEN. SPENCE moved the second reading of the Bill to abolish postage on newspapers, and for other purposes.<sup>37</sup>

MR. MACKENZIE said he had only received the printed Bill, as he was coming into the house this afternoon, and he would have liked time at least to read it. He hoped the Postmaster General would not press his motion to-day.<sup>38</sup>

MR. POST. GEN. SPENCE did not think he would be performing his duty if he did not press forward the Bill, and took occasion to express much indignation, that a gentleman professing so much liberality of sentiment, and who had been as long connected with the Press, should set himself in opposition to a measure.<sup>39</sup>

MR. CHRISTIE characterized the Postmaster General's attack on Mr. Mackenzie as most unfair and unjust.<sup>40</sup>

MR. MACKENZIE said that as an old reporter and editor, as the eldest of the whole profession in Canada, he would have liked to have been in a position to give a conscientious vote on this measure, by having time at least to read it over, and he had not thought that a gentleman who once professed to be a Reformer, although he had now left his principles for place, would have had the [dis]courtesy to refuse any time for reflection for himself and other members of the House.<sup>41</sup>

MR. HARTMAN and a number of other members having complained that they only received copies of the bill since the House met this afternoon,<sup>42</sup>

MR. PRES. EX. COUN. MACNAB said it must have been the printer's fault.<sup>43</sup>

The Bill was then read a second time<sup>44</sup>.

(738)

*The Order of the day for the second reading of the Bill to abolish Postage on Newspapers published within the Province of Canada, and for other purposes connected with the Post Office Department of this Province, being read;*

*The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday next.*

*The Honorable Mr. Cartier, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General--Return to an Address from the Legislative Assembly of the 26th ultimo, for copies of Documents relative to the construction of Light Houses and Piers below Quebec,*

and relative to Tenders and Contracts for Ferry Boats plying on the St. Lawrence, below Quebec.

For the said Return, see Appendix (J.J.J.)

Return to an Address from the Legislative Assembly of the 7th instant, for copies of Correspondence in relation to the School Lot at Drummondville.

For the said Return, see Appendix (K.K.K.)

Ordered, That the said Return be printed for the use of the Members of this House.

The Order of the day being read, for resuming the adjourned Debate upon the Amendment which was, on Wednesday the eighth day of November last, proposed to be made to the proposed Amendment to the Question, That an humble Address be presented to His Excellency the Governor General, representing to His Excellency that, in the opinion of this House, the time has arrived when a different and much more satisfactory arrangement may be made as regards the place of convening Parliament, than at present exists: That the present system of alternate Parliaments is inconsistent with a proper regard to the economical expenditure of public money, uncalled for by the necessities of the country, injurious to the preservation and methodical arrangement of the Public Archives and Library, and productive of great inconvenience and injustice to permanent Officers in the Public Departments; and that the same ought to be changed, and a permanent place selected for the assembling of Parliament, suited, as far as possible, to the convenience of all sections of the Province; and which proposed Amendment was,

(739)

That all the words after "That" to the end of the Question be left out, and the words "it is inexpedient to interfere with the arrangement in regard to the Seat of Government adopted by this House in 1849, and re-affirmed in 1851" inserted instead thereof; and which Amendment to the said proposed Amendment was, That the words "and that in accordance with that arrangement the Public Departments should be removed to Toronto in 1855" be added at the end thereof;

And the Question on the Amendment proposed to be made to the proposed Amendment to the Original Question, being again proposed:--The House resumed the said adjourned Debate.

MR. PRES. EX. COUN. MACNAB moved that the first order of the day be now taken up, viz:--"Further consideration of Mr. Patrick's motion for an Address to His Excellency in relation to the establishment of a permanent Seat of Government, and of Mr. Brown's motion in amendment thereto, and of Mr. Hartman's amendment to Mr. Brown's."<sup>45</sup>

MR. HOLTON suggested that the Government had promised the second reading on the Legislative Council Bill for to-night.<sup>46</sup>

MR. PRES. EX. COUN. MACNAB said the question of the Seat of Government had already taken up a great deal of the time of the House, and if postponed for another fortnight, all the old arguments would be gone over again, and a great deal more time wasted.<sup>47</sup>

MR. BROWN.--Hear! hear!<sup>48</sup>

MR. HOLTON said he was very much surprised to hear his hon. friend from Lambton echo the sentiment of the hon. Premier, when he had been mainly instrumental in bringing the Government to a declaration of their intentions to bring down the Legislative Council Bill to-night. Surely no back-stairs consultation between the member for Lambton and the leader of the Government could justify



the ministry in violating their own pledges to the House. (Hear, hear and laughter.) If they would bring forward the Elective Council Bill to-night, he (Mr. Holton) and his friends would give them that support on it, which the member for Lambton would go along with the member for Toronto and others in refusing them.<sup>49</sup>

MR. PRES. EX. COUN. MACNAB, after receiving the promise of the support of Mr. Holton and his friends on the Elective Council Bill, said he was almost disposed to withdraw his proposal to go on with the Seat of Government question. (Laughter.)<sup>50</sup>

MR. BROWN.--I need scarcely justify myself against the imputation of there having been any back-stairs consultation between myself and the gallant knight. But how shall we account for the good understanding between the gallant knight and my hon. friend the member for Montreal, on the Elective Council Bill? To imagine these two gentlemen of all others agreed about an organic change in the Constitution, is something that neither back-stairs, front-stairs, nor middle stairs influence can in any way explain. (Laughter.) But so far from my having urged the Government to bring on the Legislative Council Bill, I hope they will put it in the waste basket, and never let it make its appearance again. (Laughter.) As regards the Seat of Government question, I think it would be the height of folly to postpone it again. (Hear, hear.)<sup>51</sup>

MR. PATRICK ... said he desired to add to his original motion, which proposed to fix a permanent place, the following words:--"and that the seat of Government be removed to Toronto for the next four years after the expiration of this session." (No! no! from both sides of the House.)<sup>52</sup>

MR. S. SMITH. Was in favor of a fixed seat of government, and thought that seat of government should be in Upper Canada. He was at a loss, however, to know what resolution to vote for. The motion of Mr. Drummond he thought came nearest to the mark. The advantages of the perambulating system he had never been able to discover. The idea that it improved the knowledge of members of Upper and Lower Canada was all moonshine. He thought the question ought to be at once decided. It created schism in the House, and caused a large expenditure of money. The amount of time expended in squabbles at the rate of £1000 a day, would itself purchase a most excellent site for Parliament buildings. He did not approve of the conduct of gentlemen who were desirous of taking the government to Toronto with the hope that they might there have an advantage in the decision of the permanent seat of government. He would not hesitate to say that he wanted an immediate settlement. He wished it in justice to his honorable friends from Lower Canada, towards whom he wished at all times to act fairly by Lower Canadian members. We were here on neutral ground, for undoubtedly Quebec, if not out of the world, was the next thing to it, and he did think that no obstacle existed to the settlement of this question this evening. He was in favor of the government going to Toronto for the next four years in accordance with the arrangement. But he was in favor of a site being at once fixed, and he would vote for any place in the country, except Quebec. He was decidedly opposed to government being fixed at the extreme end of civilization.<sup>53</sup>

MR. FERRES thought that before the question was decided, hon. members ought to count for cost. There was nothing definite about it. He had taken pains to ascertain the cost. According to his calculation the cost of buildings at Toronto had been £17,469 12s 6d<sup>54</sup> [OR] £17,496 12s 5d<sup>55</sup>; £7,546 14s 9d for removal from Montreal--<sup>56</sup>



MR. MACKENZIE.--You should have commenced with the expense of the Parliament House burned in Montreal. (Hear, hear.)<sup>57</sup>

Another voice.--"Ask the member for Haldimand the expense of the rebellion?"<sup>58</sup>

[MR. FERRES continued:] The hon. member for Haldimand had forgotten all about that rebellion, as the burning of the Parliament buildings had escaped his recollection. But he thought he could say what was the cost of the torch by which the conflagration, that destroyed the parliament buildings in Montreal, was kindled. £260,00 was the expense entailed by the Rebellion Losses Bill. To return to the matter in hand, the removal to Toronto alone would cost about £15,000.<sup>59</sup>

MR. BROWN. You say nothing about the credit side. Was the value of buildings and improvements not to be considered.<sup>60</sup> The buildings in Toronto which had cost £17,000 were there yet, and he had no doubt [it] had more than doubled in value. (Hear, hear.)<sup>61</sup>

MR. FERRES. Had nothing to do with the credit side of the account, because he knew nothing of the present value of the buildings. Perhaps the buildings, if there were any, might be valuable, but it struck him that the whole value worth calculating upon was the value of the land. Let us however glance at the expense at Quebec. On the Chateau, St. Louis, £2,344 15s. 11d. had been expended; on the Union Buildings (Executive Offices,) £2,909 11s. 7d.; on the old Parliament House, £27,717 18s. 8d.; on Spencer Wood there was the purchase and improvements, £23,616 0s. 9d.<sup>62</sup> [OR] £23616 0[s.] 9d<sup>63</sup>; further improvements, £2,582 14s. 7d., and a third sum of £2000, in all £28,198 15s. 4d. for the governor's residence in Quebec; 80 acres of land and an old house on the St. Lewis Road had cost £5,292 13s. 4d.; the expense of the fire by which the old Parliament House had been destroyed was £1206 18s. 7d.; the Nunnery Buildings which had been burned cost £6,879 12s. 11d.; the present buildings, £1,445 11s. 3d.; rents for 1854 offices, &c., £2,000; rent of the Music Hall, £1,050; repairing Durham Terrace--for that expense would never have been incurred<sup>64</sup> [OR] increased<sup>65</sup> unless with a view to the convenience of members of parliament--£4,209 9s. 2d.; then there was the removal from Toronto, £11,160 3s. 2d., making for Quebec the respectable sum of £94,415 9s. 11d., and<sup>66</sup> the total expense of the perambulating system since its commencement in 1849 was £119,478 17s. 1d.<sup>67</sup> The estimated removal to Toronto in 1855, would cost £15,000; £10,000 for repairs to buildings; £10,000 for alterations and fittings up of parliament buildings; and £3,000 for rent for three years--£38,000 in all, the whole cost of the alternating system up to 1855, being £157,458 17s. 1d. These were not fanciful figures. They were taken from the Public Accounts, and were right to a farthing, as the hon. member for Toronto would say, if they had given the farthings. It was hardly necessary to show the wickedness, if one could so speak, of the present perambulating system. The money that had been literally wasted in removals and rents might have been profitably used for the public service, or in the erection of some permanent site of a splendid suite of government buildings. He would not enter into a discussion about the proper localities. Interest or sectarian feeling would have much to do with selections of place. For his own part he had always advocated and really thought that Bytown was the most proper place of any in the province. No doubt his motives for saying so, were open to question, but he had always maintained that Bytown was the most fitting place. That however was not the question, but

whether the present system was to be continued or changed. He had heard members speak of the advantages of the alternating system, and had listened with the greatest attention hoping to be able to catch some substantial advantage. But beyond acquaintanceship, no member had pointed out a single advantage. He had made a calculation of the cost of that acquaintanceship among other things. He had been told that the advantage consisted in Upper Canadians becoming acquainted with Lower Canadians, and Lower Canadians with Upper Canadians. In reducing this advantage to figures, he found that the advantage of hon. gentlemen enjoying their dinners in Quebec for four years, and the equal advantage of getting dinner in Toronto for four years, cost for each member yearly £711. He really thought it would be cheaper and much better, if so mighty an advantage as people said accrued to the province from acquaintanceship to give every member about £100 yearly, to enable him to speak six weeks or more in different parts of the province for the purpose of picking up acquaintances. He thought that nothing was required towards coming to a right decision, but to take figures.<sup>68</sup>

MR. CAMERON said his honorable friend, Mr. Ferres, in taking his facts and figures, in which he went so very nicely that he almost took the farthings,<sup>69</sup> during the statistical speech of the honorable member for Mississquoi, he could not help thinking of the Audit Bill introduced this afternoon by the Inspector General. (Hear, hear, and laughter.) He was afraid, however, that the honorable member would not make a good Auditor General, if he only looked to the credit side of the account. (Hear, hear.)<sup>70</sup> He granted the hon. member for Glengary credit for all the consistency which his mildness and placidity were entitled to in wishing the parliament permanently settled somewhere, and not caring where, but he most protectingly extended his support towards Quebec. The hon. Attorney General Drummond would no doubt feel himself comfortably located in Anticosti, enjoying all the luxury and brilliancy with which he was here surrounded. But by what authority would government alter the act of Parliament granting £60,000 for public buildings for the government use.<sup>71</sup> He could not admit that the money spent in Quebec had been thrown away, and as for Toronto he was satisfied that the money which had been spent there on buildings would yield a threefold return. (Hear, hear.) He thought his constituents had a right to blame the Government, that when the faith of the country was solemnly pledged that the seat of Government should be removed to Toronto, and when a grant of £60,000 had been made by Parliament for public buildings there, he thought his constituents had been unfairly treated by the Government in stopping the works when only £10,000 had been expended. He thought they had a right to know what member of the Government it was who had thus presumed to stop the expenditure of money which had been voted by Parliament for a public object.<sup>72</sup> If report speak[s] truly, the honorable Attorney General was instrumental in preventing the expenditure of that sum in Upper Canada. Upper Canada was entitled to the seat of government being held there every four years alternately with Quebec, and why should there be any change in that arrangement which all admit has been productive of good to Upper and Lower Canada, and a benefit to the province, and where we find members for Upper Canada advocating the seat of government for Upper Canada and the members for Lower Canada for Lower Canada, it is proof that the plan of alternate parliaments is the best<sup>73</sup> mode of meeting the various conflicting interests which necessarily existed in a country situated as Canada now was.<sup>74</sup>

MR. AT. GEN. DRUMMOND stated, in reply to Mr. Cameron, that the reason why the public buildings in Toronto had been stopped was that it had been found that

instead of £60,000, the Parliamentary appropriation, not less than £150,000 would be required to complete the buildings, an expenditure on which the Government could not venture without the renewed sanction of Parliament.<sup>75</sup>

MR. CAMERON expressed himself satisfied with the explanation.<sup>76</sup>

Some other honorable members, however, said it was a pity the Government had not acted on the same principle of not allowing the expenditure to exceed the appropriation, in the matter of the landing piers below Quebec, where £109,000 had been spent in an appropriation of £30,000. (Hear, hear.)<sup>77</sup>

The discussion ... continued chiefly in French<sup>78</sup>.

MR. CHABOT said the amount expended on Spencer Wood was not so great as had been stated by the member for Mississquoi. If the government desired to sell the property, they could obtain now much more than it cost. The statement anent the parliament buildings was equally unfair. The cost mentioned had been incurred in consequence of fire, and not because of the alternate system. Charges might be made against that system enough, but the hon. member who had produced so many figures, had stated many facts which were not chargeable to the system. The property purchased by the government in Quebec for the accommodation of parliament and the public offices, would to-day, if sold, realize much more than they had cost.<sup>79</sup>

MR. LYON thought that interests of members in connection with localities, rather than a proper discussion of the question on its merits, had been considered. At the time of the Union Act only one seat of government for the two United Provinces was contemplated, and that place, after much consideration and after Kingston had been tried, had been fixed at Montreal. There were now no parliament houses at Quebec, and in that respect no city in the province had any advantage over other cities.<sup>80</sup>

MR. CHAUVEAU veut justifier la position qu'il prendra sur cette question. Il avoue que l'endroit le plus convenable pour posséder le siège du gouvernement est Montréal; mais les circonstances ayant forcé le gouvernement à en partir, le système actuel fut intronisé, et c'est celui qui convient le mieux aux deux provinces, qui sont parfaitement distinctes en tout, et qui, par conséquent, doivent avoir le siège du gouvernement alternativement. Il ne croit pas que le Haut-Canada cherche à retenir le siège du gouvernement lorsqu'il l'aura, parce que l'intérêt des deux sections étant le même, chacune concourra au maintien du système actuel. Il pense que l'offre des membres du district de Montréal n'est qu'une leurre, car si on décide la permanence du siège du gouvernement en faveur de Québec, la force des choses le ramènera à Montréal, parce que c'est la seule place où il puisse être fixé permanent. Il pense que l'intérêt général du pays exige la (sic) maintien du système alternatif, et c'est pour cela qu'il votera en faveur de la motion de l'hon. membre pour Lambton, et contre toute motion tendant à établir le système permanent.<sup>81</sup>

MR. PAPIN dit que la discussion dure déjà depuis si long-tems que tous les arguments semblent être épuisés, mais cependant il ne peut y avoir trop de discussion sur une question aussi importante, et par conséquent il se permettra quelques remarques.

Les membres du district de Québec lui semblent avoir pris une position extraordinaire sur cette question, et quand leurs électeurs verront leurs votes, ils en seront très désappointés,--car on a dû promettre sur les hustings de travailler dans l'intérêt général du pays, en même temps que dans l'intérêt du



district de Québec, et la position prise ce soir par ces membres est en contradiction directe avec leurs promesses, car ils se déclarent en faveur du système alternatif en disant qu'il entraîne beaucoup d'inconvénients.--Il s'étonne que le gouvernement n'ait pas fait de cette question une question ministérielle, car un gouvernement aussi fort--au moins par le nombre--que celui que nous avons aujourd'hui, aurait dû avoir une opinion sur une question aussi importante. Au lieu de cela on voit la moitié des ministres fulminer contre le système actuel, tandis que l'autre moitié le préconise. Une administration qui ne peut pas faire du siège ... du gouvernement une question ministérielle,--comme la chose s'est faite en 1843, lorsqu'il a été transporté de Montréal à Kingston,--est moralement faible, quelle que forte qu'elle puisse être par le nombre de ses adhérents. (Écoutez! écoutez!) Les raisons qui ont été données en faveur de la permanence sont tellement fortes que personne n'a pu les réfuter; il se contentera donc de renverser les objections frivoles de ceux qui prêchent l'ambulance.

On dit d'abord qu'il y a eu un compromis en 1849 entre les membres du parlement d'alors. Mais ce compromis doit-il décider à toujours des destinées du gouvernement? Il serait inconséquent et absurde de le prétendre; pour faire un compromis de cette sorte, pour prendre un engagement comme celui-là, il faut en avoir le droit; et les représentants d'alors avaient-ils le droit d'engager l'avenir du Canada sur cette question d'une manière irrémédiable? Il le nie. Et combien y a-t-il de membres qui ont pris cet engagement? Il y en a 34 contre 29, ce qui fait une majorité de 5. Le Bas-Canada doit-il se croire lié à jamais par un tel vote, lorsque ce vote a été donné dans des circonstances tout-à-fait exceptionnelles, sous l'influence d'une terreur panique? Et sur ces 34 membres qui ont pris alors cet engagement, combien y en a-t-il aujourd'hui dans la chambre? il en compte 8 du Bas-Canada et 2 du Haut,<sup>82</sup> Messrs. Merritt, and Fergusson<sup>83</sup> et sur les 8 du Bas-Canada il y en a un (l'hon. membre pour Nicolet) qui est en faveur de la permanence. La chambre ne doit donc pas se considérer comme liée envers qui que ce soit. On parle de foi donnée envers Toronto, et cependant lorsque le parlement était dans cette ville, les deux représentants de Toronto ont proposé de le garder, malgré la foi qu'on invoque tant aujourd'hui. Après un fait comme celui-là, qu'on s'y fie de nouveau si l'on veut.

Les membres du district de Québec ont pris sur cette question une position qu'il (M. P.) n'envie pas, en refusant de voter pour établir le siège du gouvernement d'une manière permanente à Québec, lorsque les membres du district de Montréal le leur ont offert. Ce n'est pas là consulter les intérêts de Québec, et il est certain que leurs constituants les désapprouveront d'avoir laissé partir le gouvernement pour Toronto, d'où il ne reviendra pas, quand ils pouvaient le retenir à Québec. Et qu'est-ce qui les engage à trahir ainsi les intérêts de leur district et du Bas-Canada? C'est la peur de voir établir le siège du gouvernement à Montréal, c'est une mesquine jalousie de localité! Ils disent qu'ils ne veulent pas se fier aux promesses des membres du district de Montréal, tandis qu'ils se fient à des engagements que ne prennent pas les membres du Haut-Canada! Ils ne comprennent pas qu'on puisse avoir assez de patriotisme pour sacrifier l'intérêt de Montréal à celui du pays. Eh bien! il va leur dire pourquoi les membres du district de Montréal veulent voter en faveur de Québec. Ce n'est pas qu'ils ne préféreraient avoir le siège du gouvernement à Montréal; au contraire, tous leurs intérêts les engageraient à désirer l'avoir pour Montréal;--mais c'est qu'ils voient que la chose serait impossible, et par conséquent ils aiment mieux le voir établir à Québec qu'à Toronto, car ils sont certains qu'il sera fixé d'une manière permanente quelque part, et que si ce n'est pas à Québec ce sera à Toronto. Il lui semble qu'on devrait comprendre cela.



Il avertit les membres du district de Québec que s'ils votent contre la permanence à Québec, ils ne posséderont plus le siège du gouvernement, car pour lui il votera en faveur de la permanence n'importe où on le proposera, plutôt que de conserver le système actuel, et les électeurs du district de Québec auront à remercier leurs mandataires de la perte du siège du gouvernement.<sup>84</sup>

MR. POULIOT se prononce en faveur du système alternatif, parce qu'il le trouve juste et qu'il se méfie des promesses des membres du district de Montréal.<sup>85</sup> We had a right to do justice to Upper Canada, and keep our agreement with them, to have the seat of Government every four years in Toronto and Quebec. The hon. gentleman referred to the statute in which this agreement was recognized, and £60,000 agreed to be expended for Parliament buildings in Upper Canada, and in reciting it recited from another book before him a statute to incorporate a certain Bank, which caused roars of laughter.<sup>86</sup> Il défend l'hon. Commissaire des Terres contre les attaques du membre pour St. Maurice (M. Turcotte,) et dit qu'on ne voit jamais de telles attaques venir contre les ministres que de la part des membres de l'opposition; il n'y a qu'un de leurs amis qui pouvait parler d'une manière aussi brutale. Il doit rendre aux membres de l'opposition la justice de dire qu'ils donnent aux ministériels l'exemple de la politesse, de la courtoisie et de la décence dans la discussion.<sup>87</sup>

MR. THIBAUDEAU (de Portneuf) réclame contre les injures et la boue lancées contre les membres du district de Montréal par le membre pour Dorchester (M. Pouliot,) en disant qu'ils étaient de mauvaise foi et qu'ils voulaient tendre un piège aux membres du district de Québec, lorsqu'ils ont offert de fixer le siège du gouvernement à Québec. Pour lui, il croit qu'ils ont assez de patriotisme pour désirer fixer le siège du gouvernement à Québec plutôt que dans le Haut-Canada. Il est fâché d'être seul de son district à voter en faveur de Québec, et il demande s'il convient au membre pour Dorchester de douter de la sincérité des membres du district de Montréal, après les déclarations qu'ils ont faites, quand il est disposé à croire à celle du membre pour Lambton (M. Brown)? Il ne peut comprendre cela. En votant en faveur de Québec, les membres de ce district sont certains d'emporter la motion, et pourtant ils ne veulent pas le faire, parce qu'ils ont peur d'aller à Montréal dans quelques années. Est-ce qu'ils ne savent pas qu'en fixant le siège du parlement à Québec, on sera obligé de faire des dépenses considérables pour les bâtisses? et est-il raisonnable de croire que pour le plaisir de jouer un mauvais tour à Québec, les membres du district de Montréal voudront faire perdre à la province toutes les dépenses qui auront été faites pour cet objet? Le membre pour Northumberland a dit que quand le parlement serait à Toronto il y resterait, et personne du Haut-Canada ne l'a contredit; pourquoi donc plus se fier aux membres du Haut-Canada qu'à ceux du district de Montréal?<sup>88</sup>

MR. RANKIN considered that this important question should be taken up by the government. No member could adduce one single cogent argument against the necessity of a permanent seat of government, and every hon. member who cried out for Quebec and Toronto alternately did so from interested motives. If we went to Toronto, the argument then would be that we were not treating Quebec fairly if we did not come back for four years more, and so on successively without end. If we go to Toronto, let it be permanently or wherever else we go to. But he would prefer staying where we were, [as] Quebec was the most fitting place, and he would vote for it. If Quebec failed he would go for Bytown, and if Bytown failed he would vote for Toronto.<sup>89</sup>

MR. LABERGE dit que la première question qui se présente est celle de savoir si on doit fixer le siège du gouvernement, et il ne comprend pas qu'il y ait deux opinions là-dessus, tant les inconvénients du système alternatif ou d'alternation, ou d'ambulance,--car il n'y a pas même de mot dans la langue française pour désigner un système aussi absurde,--sont évidents! Il ne comprend pas qu'on puisse dire sérieusement que ce n'est qu'une question de localité, comme le commissaire des Terres l'a dit hier soir. Le membre pour Québec, lui, a dit que ce n'était pas seulement une question de localité, mais qu'il fallait maintenir le système actuel pour conserver l'Union des deux provinces.

Eh bien! il n'y a pas besoin de longs argumens pour renverser ces raisonnemens.--Depuis longtemps le système actuel est jugé, et il est clair que c'est une absurdité de faire voyager ainsi le gouvernement du pays, de le voir s'en aller sous le bras d'un gouverneur qui se promène. Ce système est dangereux pour les archives du pays, et déjà on en a perdu durant ces transports du gouvernement d'un bout du pays à l'autre. Le ridicule de ce système saute aux yeux, et il défie ceux qui se déclarent en faveur de l'ambulance, de dire qu'ils le croient meilleur, car toutes leurs raisons sont futiles.--Les uns disent qu'ils sont liés par leur parole, et les autres disent qu'ils le sont par l'intérêt de leur clocher;--voilà les magnifiques raisons qu'on donne en faveur du système actuel? Comme ces raisons ont été réfutées d'une manière victorieuse par les membres de Laprairie et de l'Assomption, il ne s'y attachera pas, mais il laisse aux membres du district de Québec de voter contre Québec, et il attend là l'opinion publique du district s'il y en a une.

Il ne rapetissera pas la question jusqu'à dire que ce n'est qu'une question de localité, mais il veut la discuter sur son véritable terrain. La seule question à discuter est celle de la liberté d'agir chez les membres, en fixant le siège du gouvernement dans l'une des deux provinces. En le fixant dans n'importe quelle localité du Bas-Canada, les membres du Haut trouveront toujours des opinions conformes aux leurs, des personnes parlant leur langue, pratiquant leur religion, et sympathisant avec eux; mais en le fixant dans le Haut-Canada, les membres du Bas rencontreront-ils la même chose? pourront-ils parler librement leur langue dans la chambre, pourront-ils librement exprimer leur opinion sur tous les sujets, rencontreront-ils des sympathies dans la population? Il affirme que non, et la chose a été prouvée lorsque le parlement était à Toronto. Ici les membres du Haut-Canada ne parlent jamais français, et très souvent les membres canadiens parlent en anglais pour leur mieux faire comprendre les questions,--ils n'éprouvent donc aucun inconvénient sous ce rapport, mais en sera-t-il de même pour les membres du Bas-Canada lorsqu'ils seront à Toronto par exemple? Il est certain du contraire. Il prie donc les membres du district de Québec d'y bien réfléchir avant de retirer cette dernière planche de salut à la langue française, car si le gouvernement se rend à Toronto, il y restera certainement.<sup>90</sup>

DR. T. FORTIER (de Nicolet) se prononce pour la permanence.<sup>91</sup>

MR. LARWILL rose to speak, and on being interrupted, ordered the page to bring him a glass of beer. He said that the debate had been conducted on scientific principles; Phrenology is a science, and many of our members are actuated by the organ of caution. Many are afraid of fire, some of foreign invasion.--Others are actuated by the organ of acquisitiveness, and have their selfish intents. (Great noise.) Make all the noise in the world; you can't put me down; my occupation in life has been a noisy one.

He was surprised at the honorable members. No man in the House could give more annoyance than he could, but he was a peace-maker, and it is said "blessed are the peace-makers." There were some people who were actuated by the organ of locality, and such men in this House were for some pet little spot. Men of expanded ideas--(Interruption.) I shall come to the order of amateness immediately, the ladies may be seated. (Interruption.) Mr. Speaker--The House has always paid particular deference to me. Now looking at the matter as a sensible man. (Laughter.) The country was on the eve of important changes. Thought that Upper Canada, from its growing population, would soon be separated. Lower Canadians must select a location for themselves.<sup>92</sup>

Mr. Hartman's amendment was negatived<sup>93</sup>.

(739)

And the Question being put, That the Words "and that in accordance with that arrangement the Public Departments should be removed to Toronto in 1855" be added at the end of the proposed Amendment to the Original Question; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

NAYS.

So it passed in the Negative.

And the Question being again proposed on the Amendment which was proposed to be made to the Question, That an humble Address be presented to His Excellency the Governor General, representing to His Excellency that, in the opinion of this House, the time has arrived when a different and much more satisfactory arrangement may be made as regards the place of convening Parliament, than at present exists: That the present system of alternate Parliament is inconsistent

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with a proper regard to the economical expenditure of public money, uncalled for by the necessities of the country, injurious to the preservation and methodical arrangement of the Public Archives and Library, and productive of great inconvenience and injustice to permanent Officers in the Public Departments; and that the same ought to be changed, and a permanent place selected for the assembling of Parliament, suited, as far as possible, to the convenience of all sections of the Province; and which proposed Amendment was, That all the words after "That" to the end of the Question be left out, and the words "it is inexpedient to



*interfere with the arrangement in regard to the Seat of Government adopted by this House in 1849, and re-affirmed in 1851" inserted instead thereof;*

*And a Debate arising thereupon;*

MR. LORANGER.--I move that the House do now adjourn.<sup>94</sup>

MR. HINCKS.--Yes! Yes!<sup>95</sup>

Mr. Loranger's friends, seeing that the proposition for adjournment, was welcomed by the other party, surrounded him, and induced him to withdraw his motion.<sup>96</sup>

(740)

*Mr. Gamble moved, seconded by the Honorable Mr. Cameron, and the Question being put, That the Debate be adjourned until Monday next, and be then the first Order of the day:--It passed in the Negative.*

*And the Question being again proposed on the Amendment which was proposed to be made to the Question, That an humble Address be presented to His Excellency the Governor General, representing to His Excellency that, in the opinion of this House, the time has arrived when a different and much more satisfactory arrangement may be made as regards the place of convening Parliament, than at present exists: That the present system of alternate Parliaments is inconsistent with a proper regard to the economical expenditure of public money, uncalled for by the necessities of the country, injurious to the preservation and methodical arrangement of the Public Archives and Library, and productive of great inconvenience and injustice to permanent Officers in the Public Departments; and that the same ought to be changed, and a permanent place selected for the assembling of Parliament, suited, as far as possible, to the convenience of all sections of the Province; and which proposed Amendment was, That all the words after "That" to the end of the Question be left out, and the words "it is inexpedient to interfere with the arrangement in regard to the Seat of Government adopted by this House in 1849, and re-affirmed in 1851" inserted instead thereof;*

MR. RANKIN moved that the following words be added to the original motion of Mr. Patrick, "that in the opinion of this House it is expedient that Quebec should continue to be the seat of Government till suitable arrangements can be completed at such place as shall now be decided upon as the future permanent seat of Government of this Province."<sup>97</sup> He explained that the perambulating system could not be maintained, and nothing but the most selfish motives, (cries of question.)<sup>98</sup>

MR. SICOTTE the SPEAKER, on being appealed to, decided that Mr. Rankin's motion was out of order.<sup>99</sup>

The honorable mover then placed it in the hands of honorable MR. J.S. MACDONALD (Glengarry) who put it in a presentable shape, by making it an amendment to Mr. Brown's amendment, and in that form it was received by the speaker.<sup>100</sup>

MR. BROWN, pointed out that the effect of this motion would be a gross breach of faith with Upper Canada. (Loud cries of hear, hear<sup>101</sup>--question, question.)<sup>102</sup> If by any possibility it were carried, the result would be received with the utmost indignation throughout Upper Canada. It certainly was the most extraordinary proposition to which he had ever listened, and the more extraordinary that it came from a representative of Upper Canada. (Loud cries of hear, hear.) After the seat of Government had been ten years in Lower Canada



and only four in U. Canada since the union, and when the time had at last come round to remove it once more to Upper Canada in terms of a solemn act of Parliament and frequent resolution of the House--that this should be the time chosen to attempt to perpetrate such a gross breach of faith was too monstrous for belief. (Hear, hear.) If the gentlemen from the district of Quebec accepted this motion, they would be guilty of a degree of treachery, which it would be hard to find terms to characterize. (Hear, hear.)<sup>103</sup>

MR. RANKIN rose to speak again. (Order!) He said he wished to reply to a personal attack made on him by the member for Lambton.<sup>104</sup>

MR. SICOTTE the SPEAKER.--I did not hear the member for Lambton make any remarks which call for a personal explanation. (Hear, hear.)<sup>105</sup>

MR. HARTMAN thought he had a right to make a few remarks. Desired a little attention. Had listened to several speeches<sup>106</sup> [OR] eloquent speeches<sup>107</sup> against the motion. Whether their remarks had changed the vote or no, he could not tell. But he would now call attention to the want of faith [which] had been exhibited.<sup>108</sup> [He] expressed his strong indignation at the conduct of the member for Glengarry (Mr. Macdonald) who had been the loudest of any man in stating his determination to go back to Toronto for four years, and now actually drew up the resolution for keeping the seat of Government in Quebec.<sup>109</sup> He had now played this trick. Thought there was sufficient integrity in this House, (cries of question and order.)<sup>110</sup>

MR. J.S. MACDONALD repelled the charge of trickery.<sup>111</sup> [He] replied with equal warmth, characterizing the speech of Mr. Hartman as ebullition of wounded vanity, on account of his own amendment having failed, by which he had hoped to have attained the honour of carrying the seat of Government to Toronto.<sup>112</sup> He could understand and excuse the trick of Mr. Hartman who wanted to break up the union, and had boasted at a public dinner that he would bring the Parliament to Toronto.<sup>113</sup> He warned the gentlemen from the Quebec District that if the Government went up to Toronto, they would never find their way down here again.<sup>114</sup>

MR. GAMBLE did not think the time had arrived for fixing a permanent seat of Government, especially f[or] the view of a Federal Union of the British American Provinces, in which case money appropriated to public buildings in either section of the Province would not be thrown away. For one he was quite prepared to carry out the existing system in good faith with Lower Canada, and was quite willing to vote what might be necessary for putting the Parliament buildings in Quebec in a proper state.<sup>115</sup> [He] assured the member for Glengarry that the people of Upper Canada had no intention of breaking up the union.<sup>116</sup>

MR. CAMERON spoke to the same effect, declaring that it was his own desire, and, he was sure that of his constituents also that good faith should be kept with Lower Canada.<sup>117</sup>

MR. MACKENZIE asked the members for Toronto, how they could be so foolish as to vote for going to Quebec, and the answer was that an arrangement had been entered into to that effect.<sup>118</sup> [He] insisted that good faith should be kept with Upper Canada.<sup>119</sup> He alluded to the double provincial composition of the ministry, and contended that there ought to be equality in other matters.<sup>120</sup> If anything could lead to a dissolution of the union, it was such unfairness as was sought to be perpetrated to-night. (Hear, hear.)<sup>121</sup> He had intended to agitate Upper Canada for a repeal of the Union, but thought it prudent to wait a little. The vote of to-night would hasten that agitation.<sup>122</sup>

MR. CHAUVEAU (member for the county of Quebec) said he had voted against Mr. Hartman's amendment, because he thought it unnecessary. But as to keeping faith with Upper Canada, he had never had a moment of doubt as to that. (Loud cries of Hear, hear.) He should therefore vote against Mr. Rankin's amendment, (Hear, hear,) and support that of Mr. Brown.<sup>123</sup>

MR. LORANGER.--The member for the county of Quebec says he won't break faith with Upper Canada. Is he satisfied that Upper Canada won't break faith with him? Is he satisfied that, if the seat of Government now goes to Toronto, it will not in the course of three or four years be permanently fixed in Upper Canada?<sup>124</sup> The absurdity of the perambulating system would show itself, and public opinion would force their representatives to break faith.<sup>125</sup>

MR. MERRITT said the hon. gentleman who had first spoken had repeated eight or ten times that Upper Canada would break faith with Quebec. What ground had he for making such a statement? Was it not the case that on a former occasion, when Parliament had only lasted for two years in Toronto, and when a proposal was made to keep it there till the expiry of four years--was it not the fact that the representatives of Upper Canada insisted that good faith should be kept with Lower Canada, and voted that Parliament should keep down to Quebec? (Hear, hear.) The best proof that good faith would be kept by Upper Canada was that good faith had been kept. But he would tell hon. members that, if they now broke faith with Upper Canada by carrying Mr. Rankin's amendment there was an end to any dependance being placed in the public men of this country. (Hear, hear.)<sup>126</sup>

MR. SOL. GEN. H. SMITH rose as an Upper Canadian to protest against this assertion of breaking faith. Abolish the perambulating system and you break the Union. The City of Toronto is not Upper Canada. Take the City of Kingston for instance, and speak of the faith of a country. Was not the legislature hurried out of Lower Canada, a movement of which he never approved? Upper Canada members, or rather Toronto, talked of breaking faith,<sup>127</sup> what did those members do with regard to an appropriation for public buildings at Quebec? He was in favor of a permanent place. (Cries of where?) He would name that good place built by that good Governor, Count Frontenac.<sup>128</sup>

MR. PRES. EX. COUN. MACNAB could see no good reason for his honorable colleague in his regard for Kingston, speaking so slightly of Toronto.--Upper Canada, he would unhesitatingly assert, would do no such disgraceful thing as break faith with Lower Canada. People were not so much afraid of Government going to Toronto as of its staying there after it had gone.--What proof was to justify such a supposition?<sup>129</sup>

MR. A. DORION thought the people of Upper Canada could not pledge themselves to anything. A law might be repealed at any time. A simple resolution of the House was surely not more binding than the Act of Parliament. The division to bring down the Parliament to Lower Canada was only 12 to 14, a majority of only 2!<sup>130</sup>

MR. WILSON said that faith could not be broken, for it could not be broken without the aid of the Lower Canadian members themselves. This cry of want [of] faith would only enable the middlemen of Montreal and Kingston to gain their point.<sup>131</sup>

MR. POWELL ridiculed the prevention of "good faith." Good faith, aye faith, Kingston lost the seat of government.<sup>132</sup>

MR. BROWN said that member for Carleton knew nothing [about] what he or the Globe would do.<sup>133</sup>

MR. BELLINGHAM.--In explaining the good faith spoken of said he did not believe in it.--He would vote for permanent Parliaments.<sup>134</sup>

MR. POST. GEN. SPENCE considered there was a higher question than the mere motion before the House to be considered, the union of the Province.<sup>135</sup>

DR. ROLPH urged the faith of the country pledged to Upper Canada, and contended it should be carried out.<sup>136</sup>

Mr. Rankin's motion was then put.<sup>137</sup>

(740)

Mr. Rankin moved in amendment to the said proposed Amendment, seconded by Mr. Bellingham, That all the words "it is inexpedient to interfere with the arrangement in regard to the Seat of Government adopted by this House in 1849, and re-affirmed in 1851" be left out, and the words "in the opinion of this House, it is expedient that Quebec should continue to be the Seat of Government till suitable arrangements can be completed at such place as shall now be decided upon as the future permanent Seat of the Government of this Province" inserted instead thereof;

And the Question being put on the said Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bellingham, Bourassa, Brodeur, Cartier, Charles Daoust, Jean B. Daoust, Darche, Desaulniers, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Egan, Felton, Ferres, Ferrie, Thomas Fortier, Galt, Gill, Guevremont, Holton, Jobin, Laberge, Laporte, LeBoutillier, Loranger, Lyon, John S. Macdonald, McCam, Marchildon, Masson, Mattice, Meagher, Morgenais, Papin, Poulin, Powell, Prévost, Rankin, Sanborn, Solicitor General Smith, Somerville, Terrill, Thibaudeau, Turcotte, Valois, Whitney, Yeilding, and Young.--(50.)

(741)

NAYS.

Messieurs Aikins, Alleyn, Bell, Biggar, Blanchet, Brown, Burton, Cameron, Casault, Cauchon, Cayley, Chabot, Chapais, Chauveau, Christie, Chisholm, Church, Clarke, Cooke, Cook, Crawford, Crysler, Daly, DeLong, Dionne, Fergusson, Foley, Octave C. Fortier, Fournier, Frazer, Gamble, Gould, Hartman, Hincks, Jackson, Langlon, Larwill, Lemieux, Lumsden, Macbeth, Attorney General Macdonald, Mackenzie, Sir A.N. MacNab, Matheson, Merritt, Joseph C. Morrison, Angus Morrison, Munro, Murney, Niles, O'Farrell, Patrick, Polette, Pouliot, Rhodes, Robinson, Roblin, Rolph, Solicitor General Ross, James Ross, Scatcherd, Shaw, Southwick, Spence, Stevenson, Wilson, and Wright.--(67.)

So it passed in the Negative.

And the Question being again proposed on the Amendment which was proposed to be made to the Question, That an humble Address be presented to His Excellency the Governor General, representing to His Excellency that, in the opinion of this House, the time has arrived when a different and much more satisfactory arrangement may be made as regards the place of convening Parliament, than at present exists: That the present system of alternate Parliaments is inconsistent with a proper regard to the economical expenditure of public money, uncalled for by the necessities of the country, injurious to the preservation and



methodical arrangement of the Public Archives and Library, and productive of great inconvenience and injustice to permanent Officers in the Public Departments; and that the same ought to be changed, and a permanent place selected for the assembling of Parliament, suited, as far as possible, to the convenience of all sections of the Province; and which proposed Amendment was, That all the words after "That" to the end of the Question be left out, and the words "it is inexpedient to interfere with the arrangement in regard to the Seat of Government adopted by this House in 1849, and re-affirmed in 1851" inserted instead thereof;

The Honorable Mr. Attorney General Drummond moved in amendment to the said proposed Amendment, seconded by Mr. Langton, That the words "in so far as it regards the place where the next four Sessions of the Legislature shall be held; but it is the opinion of this House that a proper place should, without further delay, be selected, where appropriate buildings may be erected for the permanent use of the Members of the Legislature and of the Officers connected with the various Departments of the Civil Government, after the expiration of four years from the time when the removal of the Government Offices from the City of Quebec shall take place" be added to the end thereof;

And the Question being put, That those words be there added; the House divided: and the names being called for, they were taken down, as follow:--

(741-742)

YEAS.

Messieurs Bell, Bellingham, Bourassa, Brodeur, Cartier, Cooke, Charles Daoust, Jean B. Daoust, Darche, DeWitt, Antoine A. Dorion, Attorney General Drummond, Egan, Felton, Ferres, Ferrie, Galt, Guévremont, Holton, Jobin, Langton, Laporte, LeBoutillier, Lyon, John S. Macdonald, McCann, Marchildon, Mattice, Meagher, Mongenais, Murney, Patrick, Poulin, Powell, Prévost, Rankin, Sanborn, Shaw, Somerville, Terrill, Whitney, Yeilding, and Young.--(43.)

(742)

NAYS.

Messieurs Aikins, Alleyn, Biggar, Blanchet, Brown, Burton, Cameron, Casault, Cauchon, Cayley, Chabot, Chapais, Chauveau, Chisholm, Christie, Church, Clarke, Cook, Crawford, Crysler, Daly, DeLong, Desaulniers, Dionne, Jean B.E. Dorion, Dostaler, Fergusson, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Frazer, Gamble, Gill, Gould, Hartman, Hincks, Jackson, Laberge, Larwill, Lemieux, Loranger, Lumsden, Macbeth, Attorney General Macdonald, Mackenzie, Sir A.N. MacNab, Matheson, Merritt, Joseph C. Morrison, Angus Morrison, Munro, Niles, O'Farrell, Papin, Polette, Pouliot, Rhodes, Robinson, Roblin, Rolph, Solicitor General Ross, James Ross, Scatcherd, Solicitor General Smith, Southwick, Spence, Stevenson, Thibaudeau, Turcotte, Valois, Wilson, and Wright.--(73.)

So it passed in the Negative.

And the Question being again proposed on the Amendment which was proposed to be made to the Question, That an humble Address be presented to His Excellency the Governor General, representing to His Excellency that, in the opinion of this House, the time has arrived when a different and much more satisfactory arrangement may be made as regards the place of convening Parliament, than at present exists: That the present system of alternate Parliaments is inconsistent with a proper regard to the economical expenditure of public money, uncalled for by the necessities of the country, injurious to the preservation and methodical arrangement of the Public Archives and Library, and productive of



great inconvenience and injustice to permanent Officers in the Public Departments; and that the same ought to be changed, and a permanent place selected for the assembling of Parliament, suited, as far as possible, to the convenience of all sections of the Province; and which proposed Amendment was, That all the words after "That" to the end of the Question be left out, and the words "it is inexpedient to interfere with the arrangement in regard to the Seat of Government adopted by this House in 1849, and re-affirmed in 1851" inserted instead thereof;

Mr. Papin moved in amendment to the said proposed Amendment, seconded by Mr. Valois, That all the words "it is inexpedient to interfere with the arrangement in regard to the Seat of Government adopted by this House in 1849, and re-affirmed in 1851" be left out, and the words "the Seat of Government be permanently fixed at the City of Quebec" inserted instead thereof;

And the Question being put on the said Amendment; the House divided: and the names being called for, they were taken down, as follow:--

(742-743)

YEAS.

Messieurs Bourassa, Brodeur, Cartier, Charles Daoust, Jean B. Daoust, Desaulniers, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Egan, Felton, Thomas Fortier, Galt, Gill, Guévremont, Jobin, Laberge, Laporte, LeBoutillier, Loranger, John S. Macdonald, Marchildon, Masson, Mattice, Meagher, Mongenais, Papin, Poulin, Powell, Prévost, Rankin, Sanborn, Somerville, Terrill, Thibaudeau, Turcotte, Valois, Whitney, and Young.--(41.)

(745)

NAYS.

Messieurs Aikins, Alleyn, Bell, Biggar, Blanchet, Brown, Burton, Cameron, Casault, Cauchon, Cayley, Chabot, Chapais, Chauveau, Chisholm, Christie, Church, Clarke, Cooke, Cook, Crawford, Cryslar, Daly, Delong, Dionne, Fergusson, Ferres, Ferrie, Foley, Octave C. Fortier, Fournier, Frazer, Gamble, Gould, Hartman, Hincks, Holton, Jackson, Langton, Larwill, Lemieux, Lumsden, Macbeth, Attorney General Macdonald, Mackenzie, Sir A.N. MacNab, McCann, Matheson, Merritt, Joseph C. Morrison, Angus Morrison, Munro, Murney, Niles, O'Farrell, Patrick, Polette, Pouliot, Rhodes, Robinson, Roblin, Rolph, Solicitor General Ross, James Ross, Scatcherd, Shaw, Solicitor General Smith, Southwick, Spence, Stevenson, Wilson, and Wright.--(72.)

So it passed in the Negative.

And the Question being again proposed on the Amendment which was proposed to be made to the Question, That an humble Address be presented to His Excellency the Governor General, representing to His Excellency that, in the opinion of this House, the time has arrived when a different and much more satisfactory arrangement may be made as regards the place of convening Parliament, than at present exists: That the present system of alternate Parliaments is inconsistent with a proper regard to the economical expenditure of public money, uncalled for by the necessities of the country, injurious to the preservation and methodical arrangement of the Public Archives and Library, and productive of great inconvenience and injustice to permanent Officers in the Public Departments; and that the same ought to be changed, and a permanent place selected for the assembling of Parliament, suited, as far as possible, to the convenience of all sections of the Province; and which proposed Amendment was, That all the words after "That" to the end of the Question be left out, and the words "it is inexpedient to interfere with the arrangement in regard to the Seat of Govern-

ment adopted by this House in 1849, and re-affirmed in 1851" inserted instead thereof;

The Honorable John Sandfield Macdonald moved in amendment to the said proposed Amendment, seconded by Mr. Poulin, That all the words after "inexpedient" to the end of the Question be left out, and the words "to express any opinion on the question of the permanent Seat of Government, until after the appropriation shall have been voted for the Parliament Buildings in Toronto" inserted instead thereof;

And the Question being put on the said Amendment:--It passed in the Negative.

And the Question being put on the Amendment to the Original Question; the House divided: and the names being called for, they were taken down, as follow:--

(744)

YEAS.

Messieurs Aikins, Alleyn, Biggar, Blanchet, Brown, Burton, Cameron, Casault, Cauchon, Cayley, Chabot, Chapais, Chauveau, Chisholm, Christie, Church, Clarke, Cook, Crawford, Daly, DeLong, Dionne, Fergusson, Foley, Octave C. Fortier, Fournier, Frazer, Gamble, Gould, Hartman, Hincks, Jackson, Larwill, Lemieux, Lumsden, Macbeth, Attorney General Macdonald, Mackenzie, Sir A.N. MacNab, Matheson, Merritt, Joseph C. Morrison, Angus Morrison, Munro, Murney, Niles, O'Farrell, Polette, Pouliot, Rhodes, Robinson, Roblin, Rolph, Solicitor General Ross, James Ross, Scatcherd, Southwick, Spence, Stevenson, Wilson, and Wright.  
--(61.)

NAYS.

Messieurs Bell, Bellingham, Bourassa, Brodeur, Cartier, Cooke, Charles Daoust, Jean B. Daoust, Darche, Desaulniers, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Egan, Felton, Ferres, Ferrie, Thomas Fortier, Galt, Gill, Guévremont, Holton, Jobin, Laberge, Langton, Laporte, Loranger, Lyon, John S. Macdonald, McCann, Marchildon, Masson, Mattice, Meagher, Mongenais, Papin, Patrick, Poulin, Powell, Prévost, Rankin, Sanborn, Shaw, Solicitor General Smith, Somerville, Terrill, Thibaudeau, Turcotte, Valois, Whitney, Yeilding, and Young.--(54.)

So it was resolved in the Affirmative.<sup>138</sup>

Then the main Question, so amended, being proposed, That it is inexpedient to interfere with the arrangement in regard to the Seat of Government adopted by this House in 1849, and re-affirmed in 1851;

Mr. Holton moved, seconded by Mr. Papin, and the Question being put, That this House do now adjourn; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bourassa, Brodeur, Charles Daoust, Jean B. Daoust, Darche, Desaulniers, DeWitt, Antoine A. Dorion, Dostaler, Attorney General Drummond, Egan, Ferres, Thomas Fortier, Gill, Guévremont, Holton, Jobin, Laberge, Laporte, Loranger, Lyon, McCann, Marchildon, Masson, Mattice, Mongenais, Papin, Poulin, Prévost, Rankin, Sanborn, Somerville, Thibaudeau, Turcotte, Valois, Whitney, Yeilding, and Young.--(38.)

(744-745)

NAYS.

Messieurs Aikins, Alleyn, Bell, Bellingham, Biggar, Blanchet, Brown, Burton, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chauveau, Chisholm,

Christie, Church, Clarke, Cook, Crawford, Crysler, Daly, DeLong, Dionne, Jean B.E. Dorion, Fergusson, Ferrie, Foley, Octave C. Fortier, Fournier, Frazer, Gamble, Gould, Hartman, Hincks, Jackson, Langton, Larwill, Lemieux, Lumsden, Macbeth, Attorney General Macdonald, Mackenzie, Sir A.N. MacNab, Matheson, Joseph C. Morrison, Angus Morrison, Munro, Murney, Niles, O'Farrell, Polette, Pouliot, Robinson, Roblin, Rolph, Solicitor General Ross, James Ross, Scatcherd, Shaw, Solicitor General Smith, Southwick, Spence, Stevenson, Wilson, and Wright.--(68.)

So it passed in the Negative.

(745)

And the main Question, so amended, being again proposed;

And a Debate arising thereupon;

Mr. Lyon moved, seconded by Mr. Rankin, and the Question being put, That the Debate be adjourned for one week; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bell, Bourassa, Brodeur, Charles Daoust, Jean B. Daoust, Darche, DeWitt, Jean B.E. Dorion, Postaler, Attorney General Drummond, Egan, Felton, Ferres, Thomas Fortier, Guévremont, Holton, Jobin, Laberge, Laporte, Loranger, Lyon, McCann, Marchildon, Masson, Mattice, Mongenais, Papin, Poulin, Prévost, Rankin, Sanborn, Ferrill, Thibaudeau, Valois, Whitney, Yeilding, and Young.--

NAYS.

Messieurs Aikins, Alleyn, Biggar, Blanchet, Brown, Burton, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chauveau, Christie, Chisholm, Church, Clarke, Cook, Crawford, Crysler, Daly, DeLong, Dionne, Fergusson, Ferrie, Foley, Octave C. Fortier, Fournier, Frazer, Gamble, Gould, Hartman, Jackson, Larwill, Lemieux, Lumsden, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, Matheson, Joseph C. Morrison, Angus Morrison, Munro, Murney, Niles, O'Farrell, Robinson, Roblin, Rolph, Solicitor General Ross, James Ross, Scatcherd, Shaw, Solicitor General Smith, Southwick, Spence, Stevenson, Wilson, and Wright.--(60.)

So it passed in the Negative.

And the main Question, so amended, being again proposed;

Mr. Masson moved, seconded by Mr. Thomas Fortier, and the Question being put, That this House do now adjourn:--It passed in the Negative.

Then the main Question, so amended, being put, That it is inexpedient to interfere with the arrangement in regard to the Seat of Government adopted by

(746)

this House in 1849, and re-affirmed in 1851; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Alleyn, Biggar, Blanchet, Brown, Burton, Cameron, Casault, Cayley, Chabot, Chapais, Chauveau, Chisholm, Christie, Church, Clarke, Cook, Crawford, Crysler, Daly, DeLong, Dionne, Fergusson, Foley, Octave C. Fortier, Fournier, Frazer, Gamble, Gould, Hartman, Hincks, Jackson, Larwill, Lemieux, Loranger, Macbeth, Attorney General Macdonald, Mackenzie, Sir A.N. MacNab, Matheson, Joseph C. Morrison, Angus Morrison, Munro, Murney, Niles, O'Farrell, Pouliot, Robinson, Roblin, Rolph, Solicitor General Ross, James Ross, Scatcherd, Southwick, Spence, Stevenson, Wilson, and Wright.--(58.)

NAYS.

Messieurs Bell, Bourassa, Brodeur, Cartier, Cooke, Charles Daoust, Jean B. Daoust, Desaulniers, DeWitt, Jean B.E. Dorion, Dostaler, Attorney General Drummond, Felton, Ferres, Ferrie, Thomas Fortier, Guévremont, Holton, Jobin, Laberge, Laporte, Loranger, Lyon, McCann, Marchildon, Masson, Mattice, Mongenais, Papin, Poulin, Rankin, Sanborn, Shaw, Solicitor General Smith, Somerville, Terrill, Thibaudeau, Valois, Whitney, and Young--(40.)

*So it was resolved in the Affirmative.*

*Then, on motion of the Honorable Mr. Attorney General Drummond, seconded by the Honorable Sir Allan N. MacNab,*

*The House adjourned until Monday next.* 139



APPENDIX: 23 MARCH 1855.

[QUESTION AND ANSWER RE: DEBENTURES ON FEE FUND.]

MR. EGAN made inquiry of the Ministry whether it is the intention of the Government to take up the debentures issued on the fee fund levied for the purpose of constructing Court Houses and Jails in certain places in Lower Canada, as the amount arising out of such funds is not adequate to pay the interest mentioned in said debentures, and whether they intended causing the same to be paid to the parties interested.<sup>140</sup>

MR. INSP. GEN. CAYLEY replied that the Government would make inquiry of the amount of debentures and the interest due. The matter was under consideration.<sup>141</sup>

[WITHDRAWN MOTION RE: GALT AND GUELPH RAILWAY.]

MR. BELLINGHAM moved--That it is expedient to adopt the policy of fostering, by grants of land or otherwise, the construction of a railway from the tide waters at Quebec to Georgian Bay on Lake Huron, and substituting Governmental aid in lieu of that voted by municipalities interested in the project.<sup>142</sup>

MR. SICOTTE the SPEAKER said the motion could not be put, as, involving a money grant, it could only be moved in Committee of the whole.<sup>143</sup>

MR. YOUNG hoped the attention of the Government would be directed to the matter, and that they would not forget that a canal was being constructed to connect the waters of Lake Superior and those of Lake Huron, which would be in operation in July next, and which, if a railway were opened through the Ottawa district to Lake Huron, would ultimately bring down to Lower Canada an immense traffic, and by a route 100 miles shorter than any other. He would suggest to the Government whether they should not authorize a survey of the territory beyond the city of Ottawa, with a view to the construction of a railway; and if each alternate township on either side of the line were given to the Company, to be given by them to parties taking stock, the result would be a rapid opening up and settlement of that district of the country. If it was remembered that there was not a township the survey of which had not cost the Crown Lands Department £10,000, it would be seen that the carrying up the railway through the centre of the district would be the best mode of settling it, being a system which had been successfully pursued by parties in the United States. He trusted that Lower Canada would not lose this vast northern trade, which might thus be brought down to it.<sup>144</sup>

The motion, being out of order, was then withdrawn.<sup>145</sup>

FOOTNOTES: 23 MARCH 1855.

1. This Petition of Mr. James Smith, and others, is against the commutation clause of the Clergy Reserves Act as are the petitions Mr. Mackenzie subsequently presented. Therefore Mr. Smith's petition is amongst those referred to in the conversation between Mr. Brown and Sir A.N. MacNab, footnotes 2-4.
2. GLOBE, 31 March 1855.
3. IBID.
4. IBID.
5. The Act which is to be amended cannot be Act 16 Vic. cap. 32. That Bill authorizes the city of Kingston to negotiate a loan to consolidate their city debt. This petition by members of the United Church of England and Ireland is listed in the Index to the JOURNALS, and the Bill which they desire to amend is Act 6 Vic. cap. 32 relating to Church temporalities in the Diocese of Quebec.
6. The Act which is to be amended is not Act 11 & 12 Vic. cap. 99. From the Index to the JOURNALS, and other sources, it does not appear that a Statute dated 11 & 12 Vic. was ever passed. The petition of Edouard Martial Leprohon pertains to the erection of a toll-bridge over the River Jésus. The Bill of that nature is 12 Vic. cap. 187.
7. The Scrapbook Hansard's account of 16 March 1855 reports that Mr. Terrill's bill was carried. This differs from the JOURNALS which record the bill was first read on 23 March 1855.
8. TORONTO DAILY LEADER, 24 March 1855.
9. MORNING CHRONICLE, 27 March 1855.
10. TORONTO DAILY LEADER, 30 March 1855.
11. MORNING CHRONICLE, 27 March 1855.
12. GLOBE, 31 March 1855.
13. IBID.
14. MORNING CHRONICLE, 27 March 1855.
15. GLOBE, 31 March 1855.
16. MORNING CHRONICLE, 27 March 1855.
17. GLOBE, 31 March 1855 (in Scrapbook Hansard).
18. GLOBE, 31 March 1855.
19. MORNING CHRONICLE, 27 March 1855.
20. GLOBE, 31 March 1855.
21. MORNING CHRONICLE, 27 March 1855.
22. GLOBE, 31 March 1855.
23. IBID.
24. IBID.
25. IBID.
26. MORNING CHRONICLE, 27 March 1855.
27. GLOBE, 31 March 1855.
28. MORNING CHRONICLE, 27 March 1855.
29. GLOBE, 31 March 1855. This speech is reported differently in MORNING CHRONICLE, 27 March 1855. There, Mr. Mackenzie does not complete his first sentence when he is interrupted by Mr. Holton. Although Mr. Holton's speech is condensed, he covers the same points that GLOBE, 31 March 1855 has attributed to Mr. Mackenzie.
30. TORONTO DAILY LEADER, 30 March 1855.
31. GLOBE, 31 March 1855.
32. TORONTO DAILY LEADER, 30 March 1855.

33. GLOBE, 31 March 1855.
34. MORNING CHRONICLE, 27 March 1855.
35. TORONTO DAILY LEADER, 30 March 1855.
36. GLOBE, 31 March 1855.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. MORNING CHRONICLE, 28 March 1855.
54. HAMILTON SPECTATOR, 31 March 1855.
55. GLOBE, 31 March 1855.
56. HAMILTON SPECTATOR, 31 March 1855.
57. GLOBE, 31 March 1855.
58. MORNING CHRONICLE, 28 March 1855.
59. HAMILTON SPECTATOR, 31 March 1855.
60. MORNING CHRONICLE, 28 March 1855.
61. GLOBE, 31 March 1855.
62. MORNING CHRONICLE, 28 March 1855.
63. TORONTO DAILY LEADER, 30 March 1855.
64. MORNING CHRONICLE, 28 March 1855.
65. TORONTO DAILY LEADER, 30 March 1855.
66. MORNING CHRONICLE, 28 March 1855.
67. GLOBE, 31 March 1855.
68. MORNING CHRONICLE, 28 March 1855.
69. IBID.
70. GLOBE, 31 March 1855.
71. MORNING CHRONICLE, 28 March 1855.
72. GLOBE, 31 March 1855.
73. MORNING CHRONICLE, 28 March 1855.
74. GLOBE, 31 March 1855.
75. IBID.
76. IBID.
77. IBID.
78. IBID.
79. MORNING CHRONICLE, 28 March 1855.
80. IBID.
81. LE PAYS, 29 March 1855.
82. IBID.
83. MORNING CHRONICLE, 28 March 1855.
84. LE PAYS, 29 March 1855.

85. IBID.
86. HAMILTON SPECTATOR, 31 March 1855.
87. LE PAYS, 29 March 1855.
88. IBID.
89. MORNING CHRONICLE, 28 March 1855.
90. LE PAYS, 29 March 1855.
91. IBID.
92. HAMILTON SPECTATOR, 4 April 1855.
93. GLOBE, 31 March 1855.
94. IBID.
95. IBID.
96. IBID.
97. IBID.
98. MORNING CHRONICLE, 28 March 1855.
99. GLOBE, 31 March 1855.
100. IBID.
101. IBID.
102. MORNING CHRONICLE, 28 March 1855.
103. GLOBE, 31 March 1855.
104. IBID.
105. IBID.
106. MORNING CHRONICLE, 28 March 1855.
107. TORONTO DAILY LEADER, 30 March 1855.
108. MORNING CHRONICLE, 28 March 1855.
109. GLOBE, 31 March 1855.
110. MORNING CHRONICLE, 28 March 1855.
111. IBID.
112. GLOBE, 31 March 1855.
113. MORNING CHRONICLE, 28 March 1855.
114. GLOBE, 31 March 1855.
115. IBID.
116. MORNING CHRONICLE, 28 March 1855.
117. GLOBE, 31 March 1855.
118. TORONTO DAILY LEADER, 30 March 1855.
119. GLOBE, 31 March 1855.
120. TORONTO DAILY LEADER, 30 March 1855.
121. GLOBE, 31 March 1855.
122. TORONTO DAILY LEADER, 30 March 1855.
123. GLOBE, 31 March 1855.
124. IBID.
125. MORNING CHRONICLE, 28 March 1855.
126. GLOBE, 31 March 1855.
127. MORNING CHRONICLE, 28 March 1855.
128. HAMILTON SPECTATOR, 4 April 1855.
129. IBID.
130. IBID.
131. MORNING CHRONICLE, 28 March 1855.
132. IBID.
133. IBID.
134. IBID.
135. IBID.
136. IBID.



137. TORONTO DAILY LEADER, 30 March 1855.
138. GLOBE, 31 March 1855, comments: "The result of this vote was received with loud cheers by the members in favour of removing the seat of Government to Toronto in the course of the present year.  
"The opponents of the removal to Toronto, endeavoured to have the question kept open for some time longer, by making successive motions for an adjournment, with a view to exhausting the patience of the House, but they were all successively voted down."
139. GLOBE, 30 March 1855, reports the debate on this question was continued "to half-past 3 this morning." GLOBE, 31 March 1855, adds: "a large body of spectators ... remained to the very close of the proceedings. The excitement in the House during the whole evening was very great--and the earnest canvassing of votes going on in every corner was not a little amusing."
140. TORONTO DAILY LEADER, 24 March 1855.
141. IBID.
142. GLOBE, 31 March 1855.
143. IBID.
144. IBID.
145. IBID.

## PROPER NAME INDEX

### INTRODUCTION

The following Index applies only to the names of men who were members of the Legislative Assembly in the Fifth Parliament, First Session, Second Part, for the period covered in this volume, that is February 23, 1855 to March 23, 1855 inclusive. It refers to every occasion a member proposed or seconded a motion or resolution, or brought up a petition; it refers to every speech he delivered during debates or to every other time he addressed the House; and also when he took the chair of the House in Committee of the Whole, or was appointed to sit on a Committee. Only individual votes are excluded because divisions rightfully belong with the legislation they pertain to, and all legislation is included in the subject Index.

As explained in the Introduction to Volume XII, Part I, the subject Index for the entire volume will be contained in the final part.

The letter "f" after the page number indicates a member's speech or motion referred to in the footnote pages.

The punctuation (?) following a page number indicates there is reason to doubt that the member made the speech or moved the motion. The reader is advised to refer to the appropriate footnote in the footnote pages for an explanation.



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